

Hard Copy Log

SEC v. Cuban 04-19-2010 Production - Hard Copy WP Privilege Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE/REDACTION
1	SEC-MC0200358	SEC-MC0200360	2006.12.20	Riewe, J.M.; Chaudoin, D.T.; Kaplan, R.B.	File		Memorandum memorializing counsel's thoughts and impressions from interview of Mark Cuban on December 18, 2006 about Mamma.com trading in HO-10576	WP
2	SEC-MC0200949	SEC-MC0200984	2007.02.27	Fristad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	SEC Commissioners		Action Memorandum requesting Commission to issue a formal order of investigation in HO-10576 with investigative counsel's analysis of relevant facts and legal issues	WP, AC, DP
3	SEC-MC0201769	SEC-MC0201774	2007.02.27	Kaplan, R.B.; Fristad, S.W.; Chaudoin, D.T.; Riewe, J.M.			Draft of the Action Memorandum for HO-10576 seeking formal order of private investigation containing analysis of evidence and law with handwritten notes of R.B. Kaplan reflecting strategy	WP, AC, DP
4	SEC-MC0200593	SEC-MC0200594	2007.03.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP, AC, DP
5	SEC-MC0200623	SEC-MC0200623	2007.03.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP, Yes
6	SEC-MC0200626	SEC-MC0200626	2007.03.00	Riewe, J.M.; Chaudoin, D.T.; Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP, Yes
7	SEC-MC0200364	SEC-MC0200365	2007.03.02	Riewe, J.M.	Riewe, J.M.		Memorandum memorializing counsel's thoughts and impressions from interview of David Goldman on March 2, 2007 about Mamma.com trading	WP
8	SEC-MC0200950	SEC-MC0200951	2007.03.02	D.T.; Riewe, J.M.	Investigative Team		Memorandum memorializing counsel's thoughts and impressions from interview of David Goldman on March 2, 2007 about Mamma.com trading	WP
9	SEC-MC0200442	SEC-MC0200443 (duplicate at SEC-MC0200904-05)	2007.03.12	S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; Cullen, L.	Cullen, L.		Draft Commissioning Order Directing Private Investigation and Designating Officers to Take Testimony for HO-10576 setting forth legal and factual basis for undertaking formal investigation with handwritten comments of Linda Cullen	WP, AC, DP
10	SEC-MC0200296	SEC-MC0200304	2007.03.28	Kim, J.	Riewe, J.M.		Memorandum setting forth legal analysis of insider trading law in context of evidence obtained in HO-10576	WP
11	SEC-MC0200311	SEC-MC0200334	2007.04.02	Riewe, J.M.	Case Team		Outline in preparation for interview of Mark Cuban on April 3, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE/REDACTION
12	SEC-MC0200806	SEC-MC0200929	2007.04.02	Riewe, J.M.	Investigative Team		Outline prepared by counsel in preparation for taking testimony from Mark Cuban in HO-10576 with handwritten notes of J.M. Riewe	WP
13	SEC-MC0201759	SEC-MC0201759	2007.05.06	Kaplan, R.B.	File		Handwritten notes of strategy in the HO-10576 investigation	WP
14	SEC-MC0201787	SEC-MC0201788	2007.05.06	Kaplan, R.B.	File and HO-10576 team		Outline Wells call to Mark Cuban in HO-10576 discussing facts and legal analysis with handwritten notes from R.B. Kaplan	WP
15	SEC-MC0200430	SEC-MC0200441	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law and requesting Commission action	WP, AC, DP
16	SEC-MC0200892	SEC-MC0200903	2007.06.28	Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law	WP, AC, DP
17	SEC-MC0200273	SEC-MC0200295	2007.07.00	Riewe, J.M.	Case Team		Table setting out factual and legal arguments set forth in Wells submission and responses thereto in HO-10576 in preparation for meeting with Linda Thomsen	WP
18	SEC-MC0200335	SEC-MC0200339	2007.07.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Charles McKinney on July 31, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP
19	SEC-MC0201757	SEC-MC0201757	2007.07.00	Kaplan, R.B.	File		Handwritten notes analyzing legal issues and evidence in the HO-10576 investigation	WP
20	SEC-MC020213	SEC-MC020241	2007.07.07	Riewe, J.M.	File		Redaction of handwritten notes by counsel in HO-10576	WP Yes
21	SEC-MC020253	SEC-MC020257 (duplicates at SEC-MC020258-62, SEC-MC020263-67)	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission with counsel for Mark Cuban in HO-10576	WP, DP
22	SEC-MC0200806	SEC-MC0200810	2007.07.18	Thomsen, L.C.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission with counsel for Mark Cuban. [Duplicate of SEC-MC0100359 - SEC-MC0100363]	WP, DP

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE/REDACTION
23	SEC-MC0200811	SEC-MC0200815	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomson, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
24	SEC-MC0200816	SEC-MC0200820	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomson, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
25	SEC-MC0200821	SEC-MC0200825	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomson, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359 SEC-MC0100363]	WP, DP
26	SEC-MC0200826	SEC-MC0200848	2007.07.18	Riewe, J.M.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.	Riewe, J.M.; Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.		Table setting out factual and legal arguments set forth in Wells submission and responses thereto in preparation for meeting with Linda Thomesen in HO-10576 [Duplicate of SEC-MC0100379 - SEC-MC0100401]	WP
27	SEC-MC0201818	SEC-MC0201823	2007.07.18	Riewe, J.M.	Thomson, L.C.		Memorandum summarizing May 23, 2007 Wells Call in HO-10576 and investigative team's response with handwritten notes of S.W. Friestad reflecting meeting with Paul Coggins on July 19, 2007	WP, DP
28	SEC-MC0201718	SEC-MC0201718	2007.07.27	Riewe, J.M.	O'Rourke, K.P.; Kaplan, R.B.		Email discussing upcoming interview of Robert Raich in HO-10576	WP
29	SEC-MC0200930	SEC-MC0200934	2007.07.31	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Charles McKinney in HO-10576 with handwritten notes of J.M. Riewe	WP
30	SEC-MC0200351	SEC-MC0200354	2007.08.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Robert Raich in HO-10576 on August 3, 2007 with handwritten notes of J.M. Riewe	WP

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31	SEC-MC0200372	SEC-MC0200374 (duplicate at SEC-MC0200372)	2007.08.00	Kaplan, R.B.; O'Rourke, K.P.; Riewe, J.M.	Office of International Affairs		Foreign Travel Request for R.B. Kaplan, K.P. O'Rourke and J.M. Riewe to travel to Montreal for interviews in HO-10576	WP
32	SEC-MC0200946	SEC-MC0200949	2007.08.03	Riewe, J.M. O'Rourke, K.P.	Case Team		Outline prepared by counsel in preparation for taking testimony from Robert Raich with handwritten notes of J.M. Riewe	WP
33	SEC-MC0201723	SEC-MC0201732	2007.08.03	Riewe, J.M. O'Rourke, K.P.	File		Handwritten notes of interview of Robert Raich in HO-10576 containing counsel's thoughts and impressions	WP
34	SEC-MC0200361	SEC-MC0200363	2007.08.07	Riewe, J.M.; Kaplan R.B.	File		Memorandum memorializing counsel's thoughts and impressions from interview of Charles McKinney on August 7, 2007, in HO-10576 about Mamma.com trading	WP
35	SEC-MC0200366	SEC-MC0200371	2007.08.22	Friestad, S.W. Ruiz, D.T.			Passport and frequent flier numbers protected by Privacy Act; Identity of interviewees in HO-10576 protected by work product	WP, PA Yes
36	SEC-MC0200340	SEC-MC0200343	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of David Goldman on September 10, 2007 with handwritten notes of J.M. Riewe	WP
37	SEC-MC0200344	SEC-MC0200346	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Daniel Bertrand on September 10, 2007 in HO-10576 with handwritten notes of J.M. Riewe	WP
38	SEC-MC0200347	SEC-MC0200350	2007.09.00	Riewe, J.M.	Case Team		Outline in preparation for interview of Irwin Kramer on September 11, 2007 with handwritten notes of J.M. Riewe	WP
39	SEC-MC0200624	SEC-MC0200624	2007.09.00	Riewe, J.M.	Riewe, J.M.		Handwritten comments on evidence produced in HO-10576 by Mamma.com disclosing thoughts and impressions of counsel	WP
40	SEC-MC0200309	SEC-MC0200310	2007.09.07	Riewe, J.M.	Case Team		Witness tracking chart for HO-10576 containing counsel's impressions of relevant testimony and evidence	WP
41	SEC-MC0200935	SEC-MC0200938	2007.09.10	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from David Goldman in HO-10576 with handwritten notes of J.M. Riewe	WP
42	SEC-MC0200939	SEC-MC0200941	2007.09.10	Riewe, J.M.	Case Team		Outline prepared by counsel in preparation for taking testimony from Daniel Bertrand in HO-10576 with handwritten notes of J.M. Riewe	WP
43	SEC-MC0201733	SEC-MC0201750	2007.09.10	O'Rourke, K.P.	File		Handwritten notes of interviews of David Goldman and Daniel Bertrand in HO-10576 containing counsel's thoughts and impressions	WP
44	SEC-MC0200942	SEC-MC0200945	2007.09.11	Riewe, J.M. O'Rourke, K.P.	Case Team		Outline prepared by counsel in preparation for taking testimony from Irwin Kramer in HO-10576 with handwritten notes of J.M. Riewe	WP
45	SEC-MC0201719	SEC-MC0201718	2007.09.11	Riewe, J.M. O'Rourke, K.P.	File		Handwritten notes of interview of Irwin Kramer in HO-10576 containing counsel's thoughts and impressions	WP

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46	SEC-MC0201776	SEC-MC0201776	2007.09.14	Kaplan, R.B. Friestad,	Friestad, S.W.; Kaplan, R.B.; Chaudoin, R.B.; D.T.; Riewe, J.M.; O'Rourke, K.P.		Handwritten notes reflecting R.B. Kaplan's evaluation of the testimony in HO-10576	WP
47	SEC-MC0200416	SEC-MC0200429 (duplicate at SEC-MC0200878-91)	2007.10.15				Handwritten comments and edits of S.W. Friestad on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law	WP, AC, DP
48	SEC-MC0201790	SEC-MC0201803	2007.10.15	Friestad, S.W. Friestad,	File and HO-10576 team Friestad, S.W.; Kaplan, R.B.; Chaudoin, S.W.; Riewe, J.M.; O'Rourke, K.P.		Draft Action Memorandum for HO-10576 containing analysis of law and evidence with edits from S.W. Friestad	WP, AC, DP
49	SEC-MC0200410	SEC-MC0200415 (duplicate at SEC-MC0200872-77)	2007.11.01				Handwritten comments and edits of K.P. O'Rourke on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law	WP, AC, DP
50	SEC-MC0201804	SEC-MC0201817	2007.11.13	HO-10576 Case Team	File and HO-10576 team Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.		Draft of Action Memorandum for HO-10576 containing analysis of the evidence and the law with handwritten edits of S.W. Friestad	WP, AC, DP
51	SEC-MC0200394	SEC-MC0200409	2007.11.21				Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law with handwritten comments of S.W. Friestad and J.M. Riewe	WP, AC, DP
52	SEC-MC0200858	SEC-MC0200871	2007.11.21				Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law with handwritten comments of S.W. Friestad	WP, AC, DP
53	SEC-MC0201777	SEC-MC0201789	2007.12.31	Friestad, S.W. File			Handwritten notes of S.W. Friestad on Action Memorandum for HO-10576 reflecting his thoughts for discussion with the Commission.	WP, AC, DP

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54	SEC-MC0200242	SEC-MC0200245	2008.01.00	Riewe, J.M.	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576 with handwritten notes of J.M. Riewe	WP, AC, DP
55	SEC-MC0200246	SEC-MC0200249	2008.01.00	Riewe, J.M.	Case Team		Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576	WP, AC, DP
56	SEC-MC0200796	SEC-MC0200799	2008.01.00	Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistant in HO-10576 setting forth counsels' analysis of the relevant facts and law with handwritten notes and edits of J.M. Riewe	WP, AC, DP
57	SEC-MC0200800	SEC-MC0200803	2008.01.00	Riewe, J.M.	Case Team		Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistants in HO-10576 setting forth counsels' analysis of the relevant facts and law	WP, AC, DP
58	SEC-MC0201751	SEC-MC0201753	2008.01.00	Kaplan, R.B.	File		Handwritten notes setting out evidence and questions about timing of the PIPE transaction in the HO-10576 investigation	WP
59	SEC-MC0201755	SEC-MC0201755	2008.01.00	Kaplan, R.B.	File		Handwritten notes analyzing evidence and legal issues raised in the HO-10576 investigation	WP
60	SEC-MC0201764	SEC-MC0201766	2008.01.00	Kaplan, R.B.	File		Draft of memorandum from Linda C. Thomsen to Christopher Cox outlining the chronology of the HO-10576 with handwritten edits of R.B. Kaplan	WP, AC, DP
61	SEC-MC0200385	SEC-MC0200393	2008.01.25	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Complaint in Securities and Exchange Commission v. Mark Cuban with handwritten comments of S.W. Friestad	WP
62	SEC-MC0200849	SEC-MC0200857	2008.01.25	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team		Draft Complaint in Securities and Exchange Commission v. Mark Cuban with handwritten comments of S.W. Friestad	WP

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63	SEC-MC0201606	SEC-MC0201608	2008.01.31	Levine, R.; Pistow, L.	Case Team		Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	WP, AC, DP
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	WP, DP, PA
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsels draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	WP, DP, PA
68	SEC-MC0201761	SEC-MC0201761	2008.10.00	Kaplan, R.B.	File		Outline of arguments to discuss with counsel for use in HO-10576	WP
69	SEC-MC0200250	SEC-MC0200252	2008.11.00	Rieve, J.M.	Case Team		Draft Talking Points for November 13, 2008 meeting with the Commissioners to discuss staff recommendation for HO-10576	WP, AC, DP
70	SEC-MC0201763	SEC-MC0201763	2008.11.00	Kaplan, R.B.	File		Draft copy of SEC press release for HO-10576 with handwritten notes of R.B. Kaplan	WP
71	SEC-MC0201809	SEC-MC0201812	2008.11.12	Levine, R.; Pistow, L.	Commissioners and Staff; HO-10576 Case Team		OFFICIAL COMMISSION RECORD HO-10576 -- Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	WP, AC, DP
72	SEC-MC0200305	SEC-MC0200308	2008.11.13	Levine, R.; Pisto, L.	Commissioners and Staff		Memorandum prepared by attorneys in Commission's Office of General Counsel addressing legal and factual issues raised in Action Memo for HO-10576 with handwritten notes of J.M. Rieve	WP, AC, DP
73	SEC-MC0200987	SEC-MC0201602	2008.11.13	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.; SEC Commissio ners O'Rourke, K.P.			OFFICIAL COMMISSION RECORD HO-10576 -- Action Memorandum requesting Commission to authorize filing a civil action in HO-10576 with investigative and litigation counsel's analysis of relevant facts and legal issues with Secretary's Notations of Agency Action taken on November 13, 2008 with Official Commission File, including Wells Submission of June 29, 2007, Wells Submission of September 21, 2007 (and exhibits thereto), R.C. Ferrara September 21, 2007 letter to S.W. Friestad (and exhibits attached thereto), and S.W. Friestad letter of September 24, 2007 to R.C. Ferrara.	WP, AC, DP

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74					Commissioners, Senior Staff, Members of Investigative team and Senior Enforcement Staff		Tape recording of Closed Executive Meeting of Commissioners to consider Action Memorandum in HO-10576 requesting authorization to bring civil action against Mark Cuban for insider trading	WP, AC, DP
75	SEC-MC0200985	SEC-MC0200986	2008.11.13	Taylor, J.L.; Kimp, M.M.	Official Commission in Files		Minutes of substantive discussion among Commissioners during Executive Session November 13, 2008 discussing whether to authorize filing a civil suit against Mark Cuban HO-10576	DP, AC, WP
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	WP, PA, WP
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	WP, DP, PA
78	SEC-MC0201879	SEC-MC0201932	Various	Rieve, J.M.	File		Notebook memorializing counsel's contacts with witnesses and counsel in course of HO-10576 investigation between December 6, 2006 and May 30, 2008	WP, Yes
79	SEC-MC0201603	SEC-MC0201605		Chaudoin, D.T.			Handwritten notes relating to investigation of Mark Cuban's trading in Mamma.com stock in HO-10576	WP
80	SEC-MC0201716	SEC-MC0201717		O'Rourke, K.P.	File		Notes evaluating testimony and evidence in anticipation of filing civil complaint in HO-10576	WP
81	SEC-MC0201937	SEC-MC0201937		Kaplan, R.B.	Kaplan, R.B.		Email string discussing Mamma.com knowledge of Cuban's sale of his Mamma.com stock	WP

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Exhibit A-3

SEC Privilege Log:

Deliberative Process Privilege

Electronic Log

SEC Master Log with index numbers - All Publications	Date	From	To	CC	Subject	Participants	Comments
SEC-MC030084 SEC-MC030084	3/10/2008	Turner, Alton O.	Williams, Ida				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
12 SEC-MC030972 SEC-MC030972	10/19/2005	Harley, Paul	Turner, Alton O.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
24 SEC-MC031597 SEC-MC031597	1/3/2007	Chaudoin, Daniel T.	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
25 SEC-MC030371 SEC-MC030372	2/14/2007	Rieve, Julie M.	Friesled, Scott W.	Chaudoin, D.T.; Kaplan, R.B.			Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
26 SEC-MC030821 SEC-MC030821	2/15/2007	Rieve, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
27 SEC-MC030305 SEC-MC030305	2/16/2007	Kaplan, Robert	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
29 SEC-MC030500 SEC-MC030500	2/20/2007	Kaplan, Robert	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
31 SEC-MC030366 SEC-MC030370	2/20/2007	Rieve, Julie M.	Friesled, Scott W.	Chaudoin, D.T.; Kaplan, R.B.			Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
32 SEC-MC030373 SEC-MC030373	2/20/2007	Rieve, Julie M.	Kaplan, Robert	Chaudoin, Daniel T.			Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
36 SEC-MC031809 SEC-MC031809	2/26/2007	Chaudoin, Daniel T.	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
37 SEC-MC031810 SEC-MC031811	2/26/2007	Chaudoin, Daniel T.	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
38 SEC-MC031812 SEC-MC031812	2/26/2007	Chaudoin, Daniel T.	Rieve, Julie M.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
39 SEC-MC031827 SEC-MC031827	2/26/2007	Rieve, Julie M.	Chaudoin, Daniel T.				Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners
40 SEC-MC031828 SEC-MC031828	2/26/2007	Rieve, Julie M.	Pisto, Lawrence W.	Chaudoin, Daniel T.			Email transmitting proposed Formal Order of Investigation in HO-09800 to Office of Secretary for distribution to Commissioners

Document Number	Subject	From	To	CC	Re: CC	Comments
42 SEC-MC0300348	SEC-MC0300348	2/27/2007 Rieve, J.M.	Kaplan, R.B.			Draft Action Memorandum to Commission presenting material facts, discussing legal issues and seeking formal Order of Investigation.
43 SEC-MC0301148	SEC-MC0301153	2/27/2007 Rieve, J.M.	Frestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Mullis, Lou.			Action Memorandum seeking formal order of investigation for HC-10576, containing counsel's summary of the evidence and law, attached to SEC-MC0301147.
44 SEC-MC0301698	SEC-MC0301698	2/27/2007 Rieve, Julie M.	Griffin, Alverya ; Chaudoin, Daniel T.			Forwarding Action Memorandum for seeking formal order of investigation for HC-10576.
45 SEC-MC0301609	SEC-MC0301614	2/27/2007 Rieve, Julie M.; Chaudoin, D.T.; Frestad, S.W.	Griffin, Alverya ; Chaudoin, Daniel T.			Draft Action Memorandum seeking formal order of investigation HC-10576, attached to SEC-MC0301608.
48 SEC-MC0301749	SEC-MC0301749	2/27/2007 Rieve, Julie M.	Pistio, Lawrence W.			Transmitting revised draft Action Memorandum seeking formal order of investigation in HC-10576 to obtain legal advice from Office of General Counsel.
49 SEC-MC0301750	SEC-MC0301750	2/27/2007 Rieve, Julie M.	Pistio, Lawrence W.			Draft Action Memorandum seeking formal order of investigation in HC-10576 incorporating advice of Office of General Counsel and setting forth counsel's summary of the facts and law.
50 SEC-MC0301808	SEC-MC0301808	2/27/2007 Chaudoin, Daniel T.	Rieve, Julie M.			Email transmitting counsel's summary of evidence in HC-10576 in support of obtaining formal order of investigation.
51 SEC-MC0301826	SEC-MC0301826	2/27/2007 Rieve, Julie M.	Pistio, Lawrence W.			Email transmitting counsel's proposed revisions to text to obtain advice of Office of General Counsel on draft Action Memorandum in HC-10576, requesting formal order of investigation.
55 SEC-MC0300955	SEC-MC0300955	3/9/2007 Kaplan, Robert	Fristad, Scott			Email discussing communications with Chairman's office with respect to obtaining formal order of investigation for HC-10576.
66 SEC-MC0300290	SEC-MC0300298	4/27/2007 Kaplan, R.B.	Fristad, S.W.			April 27, 2007 report from R. Kaplan to S. Fristad summarizing current investigations, including HC-10576, redacting privileged information related to non-relevant investigations.
73 SEC-MC0300321	SEC-MC0300327	5/15/2007 Fristad, S.W.	Bresnan, P.			Email transmitting draft Wells outline for Bresnan, P. with M. Cuban.
74 SEC-MC0300336	SEC-MC0300310	5/15/2007 Fristad, S.W.	Bresnan, P.			Email from Fristad to Bresnan re: Wells call to Cuban and attaching Wells outline, forwarded to Bresnan, P.
76 SEC-MC0301172	SEC-MC0301172	5/15/2007 Fristad, Scott	Bresnan, Peter			Email transmitting draft outline for Cuban Wells call to occur in May 2007 with comments of concern.
77 SEC-MC0301173	SEC-MC0301176	5/15/2007 Fristad, Scott	Bresnan, Peter			Draft outline for Cuban Wells call attached to SEC-MC0301172.
80 SEC-MC0302587	SEC-MC0302513	5/18/2007 Baldacci, Deborah	Cox, Christopher			Email discussing and forwarding small exchange between SEC personnel and third party for purpose of obtaining legal advice re: potential employee disciplinary action.
95 SEC-MC0301508	SEC-MC0301508	5/23/2007 Bresnan, Peter	Fristad, Scott	Thomsen, Linda		Email stating transmitting decision on planned Wells call to Mark Cuban in HC-10576 and separation therefore.
97 SEC-MC0302444	SEC-MC0302447	5/23/2007 Bresnan, Peter	Thomsen, Linda	Fristad, Scott		Draft outline for HC-10576 Wells call to Mark Cuban regarding HC-10576, attached to SEC-MC0302443.

Index #	Subject	From	To	Date	Subject	From	To	Date	Subject	From	To	Date
98	SEC-MC0302578 SEC-MC0302578		Friesl, Scott	5/23/2007	Brennan, Peter	Thomsen, Linda			Email string responding to outline for proposed Wells call with M. Cuban in HO-10576.			DP, WP
105	SEC-MC0301147 SEC-MC0301147			7/12/2007	Rieve, J.M.	Melb, Lou	O'Rourke, Kevin		Email forwarding draft formal order memorandum, and outlines for Mark Cuban's Wells call of May 23, 2007 for evaluation.			DP, AC, WP
106	SEC-MC0302556 SEC-MC0302556			7/13/2007	Uhmann, Peter	Loesch, Michael			Email between SEC employee and Mark Cuban for consideration by senior agency official with attached records, includes discussion of disciplinary action against SEC employee.			DP, PA, WP
107	SEC-MC0302557 SEC-MC0302557			7/13/2007	Uhmann, Peter	Loesch, Michael			Uhlmann, Peter; Loesch, Michael; Stachnik, Walter			DP, PA, WP
139	SEC-MC0301101 SEC-MC0301117			7/25/2007	Rieve, Julie M.	O'Rourke, Kevin			Initial draft memorandum to bring civil action against Mark Cuban and setting out counsel's thoughts and opinions on evidence and law.			DP, AC, WP
142	SEC-MC0301100 SEC-MC0301100			7/26/2007	Rieve, Julie M.	O'Rourke, Kevin			Email transmitting initial draft action memorandum seeking authorization to bring civil action against Mark Cuban and setting out counsel's thoughts and opinions on evidence and law.			DP, AC, WP
143	SEC-MC0301066 SEC-MC0301073			7/26/2007	Friesl, Scott	Calandri, Pauline E.			Redaction of internal report on HO-10576 investigation. Reports on other investigation's redacted as nonconclusive & unfounded.			DP, WP
151	SEC-MC0300455 SEC-MC0300455			8/1/2007	Rieve, Julie M.	Kaplan, Robert			Email transmitting draft Action Memorandum for HO-10576 for review by Kaplan.			Yes
152	SEC-MC0300456 SEC-MC0300456			8/1/2007	Rieve, Julie M.				August 1, 2007 draft of action memorandum presenting material facts, discussing legal issues and seeking authorization to file civil action in HO-10576 attached to SEC-MC0300455.			DP, AC, WP
164	SEC-MC0300425 SEC-MC0300443			8/24/2007	Rieve, J.M.	Kaplan, Robert			August 24, 2007 draft of action memorandum presenting material facts, discussing legal issues and seeking authorization to file civil action in HO-10576 attached to SEC-MC0300424.			DP, AC, WP
168	SEC-MC0300424 SEC-MC0300424			8/28/2007	Rieve, Julie M.	Kaplan, Robert			Email transmitting August 24, 2007 draft action memorandum for HO-10576.			DP, AC, WP
194	SEC-MC0301141 SEC-MC0301141			9/15/2007	Zelinsky, Yuri	Chion, Antonia	Turner, Allen O.		Email requesting decision on closing of HO-05900 investigation.			DP, WP
201	SEC-MC0300656 SEC-MC0300656			9/26/2007	Zelinsky, Yuri	Nester, John J.	Chion, Antonia		Email string transmitting inquiry from reporter about HO-05900 investigation and requesting stabilization of responses.			DP, WP
205	SEC-MC0300252 SEC-MC0300252			10/3/2007	Rieve, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.			Draft Action Memorandum in HO-10576 discussing evidence and law in support of recommendation, dated October 3, 2007, attached to SEC-MC0300251.			DP, AC, WP
206	SEC-MC0301694 SEC-MC0301709			10/3/2007	Chaudoin, D.T.	Rieve, J.M.			Draft Action Memorandum in HO-10576 with counsel's refined suggestions reflecting his thoughts and suggestions about the legal and evidentiary discussions.			DP, AC, WP
208	SEC-MC0300801 SEC-MC0300801			10/4/2007	Kaplan, Robert	Rieve, Julie M.			Email string regarding draft action memorandum for HO-10576 with Chaudoin, Daniel.			DP, AC, WP

Document Number	Subject	Date	To	CC	Subject	Date	To	CC	Subject	Date	To	CC	Subject	Date	To	CC	Subject	Date	To	CC
210	SEC-MC0301796	SEC-MC0301796	10/4/2007	Riewe, Julie M.	Chaudoin, Daniel T.				Email among investigative counsel in HO-10576 discussing facts to be included in Action Memorandum. DP, WP											
215	SEC-MC0300802	SEC-MC0300802	10/11/2007	Riewe, Julie M.	Kaplan, Robert				Email discussing revisions to draft action memorandum or HO-10576 to address issues raised by counsel for Mark Cuban in HO-10576. DP, AC, WP											
216	SEC-MC0301787	SEC-MC0301787	10/11/2007	Chaudoin, Daniel T.	Riewe, Julie M.				Emails discussing preparation and content of Action Memorandum in HO-10576 in anticipation of meeting with Commission. DP, WP											
217	SEC-MC0301788	SEC-MC0301788	10/11/2007	Chaudoin, Daniel T.	Riewe, Julie M.				Emails discussing preparation and content of draft Action Memorandum in HO-10576 in anticipation of meeting with Commission. DP, WP											
218	SEC-MC0301795	SEC-MC0301795	10/11/2007	Riewe, Julie M.	Chaudoin, Daniel T.				Email discussion among investigative counsel in HO-10576 discussing preparation for Commission meeting. DP, WP											
219	SEC-MC0300221	SEC-MC0300221	10/12/2007	Riewe, Julie M.	Kaplan, Robert				Email forward, re: draft Action Memorandum for HO-10576. DP, WP											
220	SEC-MC0300222	SEC-MC0300225	10/12/2007	Riewe, Julie M.	Kaplan, Robert				Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation, dated October 12, 2007, attached to SEC-MC0300221. DP, AC, WP											
221	SEC-MC0300144	SEC-MC0300144	10/15/2007	Kaplan, Robert	Riewe, Julie M.				Kaplan, Robert; Riewe, Julie											
223	SEC-MC0300207	SEC-MC0300220	10/15/2007	Riewe, Julie M.	Kaplan, Robert				Draft Action Memorandum in HO-10576 discussing law and evidence in support of recommendation, dated October 15, 2007, attached to SEC-MC0300151. DP, AC, WP											
224	SEC-MC0301207	SEC-MC0301221	10/15/2007	Riewe, Julie M.; Chaudoin, Fristad, S.W.				Kaplan, Robert; Riewe, Julie												
225	SEC-MC0300192	SEC-MC0300205	10/16/2007	Riewe, Julie M.	Kaplan, Robert				Draft Action Memorandum in HO-10576 discussing law and evidence for purpose of seeking authorization to file civil action in HO-10576 attached to SEC-MC0301206. DP, AC, WP											
227	SEC-MC0300973	SEC-MC0300973	10/19/2007	Fristad, S.W.	Kaplan, R.B.				Forwarding email from Fristad to Korobkin referring to defense counsel's letter and issues raised therein. DP, WP											
228	SEC-MC0301188	SEC-MC0301196	10/19/2007	Fristad, S.W.	Thomsen, Linda; Bresnan, Peter; Ricciardi, Walter				Quarterly report for investigations supervised by Robert Kaplan including HO-10576 attached to SEC-MC0301187. DP, WP											
230	SEC-MC0300160	SEC-MC030174	10/19/2007	Kaplan, Robert	Riewe, Julie M.				Draft Action Memorandum in HO-10576, dated October 15, 2007, discussing law and evidence attached to SEC-MC0300159. DP, AC, WP											
232	SEC-MC030176	SEC-MC030190	10/19/2007	Kaplan, Robert	Fristad, Scott				Draft Action Memorandum in HO-10576, dated October 15, 2007, discussing law and evidence in support of recommendation. DP, AC, WP											
236	SEC-MC0302434	SEC-MC0302442	10/19/2007	Fristad, Scott					October 19, 2007 memorandum summarizing ongoing enforcement investigations, including HO-10576, attached to SEC-MC0302433. DP, WP											

Index Number	Subject	Date	Participants	Comments	Subj. Accts.	Releasable
238	SEC-MC0301447 SEC-MC0301447	10/31/2007	O'Rourke, Kevin			
240	SEC-MC0301446 SEC-MC0301446	11/1/2007	O'Rourke, Kevin			
241	SEC-MC0300603 SEC-MC0300603	11/2/2007	Rieve, J.M.	Kaplan, R.		
243	SEC-MC0300495 SEC-MC0300495	11/13/2007	Kaplan, R.B.	Kaplan, R.B.; O'Rourke, K.P.; Rieve, J.M.		
244	SEC-MC0300501 SEC-MC0300501	11/13/2007	Rieve, J.M.	Kaplan, R.B.; Rieve, J.M.; O'Rourke, K.P.; Friedstad, Scott; Chaudoin, D.T.		
245	SEC-MC0301673 SEC-MC0301673	11/13/2007	Rieve, Julie M.	Kaplan, R.B.; Rieve, Julie M.; Chaudoin, D.T.		
248	SEC-MC0300516 SEC-MC0300516	11/21/2007	Rieve, J.M.	Kaplan, R.B.		
250	SEC-MC0300571 SEC-MC0300571	11/21/2007	Rieve, Julie M.	Kaplan, Robert		
252	SEC-MC0301659 SEC-MC0301671	11/21/2007	Rieve, Julie M.	Rieve, Julie M.; Kaplan, R.B.; Chaudoin, Daniel T.; Friedstad, S.W.		
253	SEC-MC0300063 SEC-MC0300075	11/25/2007		Pisto, Lawrence W.		
254	SEC-MC0300082 SEC-MC0300082	11/25/2007	Rieve, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.		
256	SEC-MC0300553 SEC-MC0300555	11/26/2007	Rieve, Julie M.	Friedstad, S.W.; Kaplan, R.B.; Other?		

Number	Subject	From	To	CC	Subject	Participants	Date
258	SEC-MC03030557	SEC-MC03030559	11/26/2007	Rieuwe, Julie M.; O'Rourke, Kevin; Kaplan, Robert; Chaudoin, Daniel T.	November 26, 2007 draft Action Memorandum presenting material facts and discussing legal issues and seeking authorization to bring civil action for HO-10576 attached to SEC-MC03030558.	DP, AC, WP	
259	SEC-MC0301232	SEC-MC0301232	11/26/2007	O'Rourke, Kevin; Melia, Lou	Email forward draft Action Memorandum discussing law and evidence for purpose of seeking authorization to file civil action in HO-10576 with counsel's comments on revisions to draft.	DP, AC, WP	
260	SEC-MC0301233	SEC-MC031245	11/26/2007	O'Rourke, Kevin; Melia, Lou	Memorandum regarding HO-10576, attached to SEC-MC0301232.	DP, AC, WP	
261	SEC-MC0301564	SEC-MC0301564	11/26/2007	O'Rourke, Kevin; Rieuwe, Julie M.; Kaplan, Robert	Emails discussing revisions to Action Memorandum recommending Commission authorization to file civil action against Mark Cuban.	DP, AC, WP	
262	SEC-MC0301596	SEC-MC0301596	11/26/2007	Rieuwe, Julie M.; Chaudoin, Daniel T.	Emails discussing review of draft Action Memorandum for HO-10576 and exhibits thereof forwarded to Office of Chief Counsel.	DP, AC, WP	
263	SEC-MC0301644	SEC-MC0301644	11/26/2007	Rieuwe, Julie M.; Chaudoin, Daniel T.	Email transmitting revised Action Memorandum in HO-10576 containing law and discussion changes in draft.	DP, AC, WP	
264	SEC-MC0301645	SEC-MC0301657	11/26/2007	Rieuwe, Julie M.; Chaudoin, Daniel T.; Kaplan, R.B.; Chaudoin, D.T.; Friedstad, S.W.	Draft Action Memorandum in HO-10576 containing counsel's evaluation of the facts and changes in draft.	DP, AC, WP	
265	SEC-MC03030529	SEC-MC03030541	12/19/2007	Rieuwe, Julie M.; Kaplan, R.B.; Chaudoin, Daniel T.; Chaudoin, D.T.; Friedstad, S.W.; O'Rourke, K.P.	December — 2007 draft Action Memorandum — presenting material facts and seeking authorization to bring civil action for HO-10576.	DP, AC, WP	
266	SEC-MC03030778	SEC-MC03030790	12/31/2007	Rieuwe, Julie M.; Chaudoin, Daniel T.; Chaudoin, D.T.; Friedstad, S.W.; Commissioners	Signer Action Memorandum to Commission presenting material facts, Commission discussing legal issues, and seeking Commission authorization to initiate civil action.	DP, AC, WP	
267	SEC-MC030301616	SEC-MC030301628	12/31/2007	Rieuwe, Julie M.; Kaplan, R.B.; Chaudoin, Daniel T.; Friedstad, S.W.; O'Rourke, K.P.	Action Memorandum setting forth factual and legal basis for seeking authorization to bring a civil action in HO-10576, circulated to Commissioners, Commissioners' staff, senior enforcement officers, and members of HO-10576 team.	DP, AC, WP	

Number	Subject	From	To	CC	Subject	From	To	CC	Subject	From	To	CC
269	SEC-MC0300791 SEC-MC0300791.	1/8/2008 Rieve, Julie M.	Levine, R. A.; Pistow, L.W.; Kaplan, Robert; Chaudoin, Daniel T.; Orourke, Kevin	Kaplan, Robert ; Chaudoin, Daniel T.; Orourke, Kevin	Input on draft litigation questions and seeking anticipation of filing complaint in HO-10576, with complaint filed in HO-10576, attached to SEC-MC0300775				Email transmitting judicial decisions and related materials to the Office of General Counsel for consideration in conjunction with HO-10576, with comments to case team.			DP, AC, WP
271	SEC-MC0300775 SEC-MC0300775	1/14/2008 Rieve, Julie M.	Kaplan, Robert; Chaudoin, Daniel T.; Orourke, Kevin						Input on draft litigation release in HO- 10576.			DP, WP
272	SEC-MC0300775 SEC-MC0300775	1/14/2008 Rieve, J.M.	Kaplan, Robert; Chaudoin, Daniel T.; Orourke, Kevin						Draft litigation release for use when complaint filed in HO-10576, attached to SEC-MC0300775			DP, WP
273	SEC-MC0301497 SEC-MC0301497	1/17/2008 Kaplan, Robert	Friesstad, Scott		Romeo, Christy				Redaction of discussion relating to advice of Office of General Counsel for HO-10576.			DP
274	SEC-MC0300938 SEC-MC0300938	1/22/2008 Rieve, Julie	Kaplan, Robert		Kaplan, Robert; Rieve, Julie				Draft talking points on HO-10576 prepared by course in preparation for January 22, 2008 meeting with Commissioners' legal assistants.			DP, AC, WP
277	SEC-MC0300114 SEC-MC0300114	1/24/2008 Rieve, Julie	Kaplan, Robert						Draft memorandum discussing HO- 10576, including discussion of disciplinary action against employee, prepared for Linda Thomsen to provide to Chairman Cox.			DP, PA, WP
278	SEC-MC0300117 SEC-MC0300117	1/24/2008 Rieve, J.M.	Kaplan, R. B.						February 27, 2007 version of Action Memorandum discussing law and evidence in support of recommendation with respect to HO-10576 forwarded by R. Kaplan to J. Rieve			DP, AC, WP
281	SEC-MC0300017 SEC-MC0300017	1/25/2008 Friesstad, Scott	Reed, Matthew P.; Kaplan, Robert; Rieve, Julie M.						Notice from Office of Secretary pulling HO-10576 from Commission calendar for January 31, 2008, with cover note from S. Friedstad, including discussion of disciplinary action against employee.			DP, PA, WP
282	SEC-MC0300085 SEC-MC0300085	1/25/2008 Friesstad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert					Email discussing and transmitting draft chronology of HO-10576 investigation, including discussion of disciplinary action against employee.			DP, PA, WP
283	SEC-MC0300086 SEC-MC0300086	1/25/2008 Friesstad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert					Memorandum discussing chronology of Mamma.com investigation, including discussion of disciplinary action against employee, attached to SEC-MC0300085.			DP, PA, WP
284	SEC-MC0300128 SEC-MC0300128	1/25/2008 Kaplan, Robert	Friesstad, Scott		Friesstad, Scott; Kaplan, Robert				Email stating discussing relatives to memorandum on chronology of HO- 10576 investigation.			DP, WP
285	SEC-MC0300131 SEC-MC0300131	1/25/2008 Kaplan, Robert	Friesstad, Scott						January ____, 2008 draft of memorandum on chronology and employee actions prepared for L. Thomsen to provide to Commissioner Cox, attached to SEC- MC0300128.			DP, AC, WP
288	SEC-MC0301164 SEC-MC0301164	1/25/2008 Friesstad, Stephen J.							Draft chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301163.			DP, PA, WP
289	SEC-MC0301168 SEC-MC0301168	1/25/2008 Friesstad, Stephen J.	Friesstad, Scott						Investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301167.			DP, PA, WP
291	SEC-MC0301565 SEC-MC0301565	1/25/2008 Ricciardi, Walter			Friesstad, Scott; Thomsen, Linda				Email stating discussing draft chronology of HO-10576 investigation, including discussion of disciplinary action of employee not involved in HO- 10576.			DP, PA, WP

AC = Attorney/Client Privilege. DP = Deliberative Process. LE = Low Enforcement Privilege. PA = Privacy Act Protection. WP = Work Product Protection

Case Number	Document ID	Date	To	From	Subject	Parties	Role
292	SEC-MC0302423	12/5/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.		Kaplan, Robert; Friedel, Scott; Thom森, Linda	DP, PA, WP
293	SEC-MC0302424	12/5/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.		Kaplan, Robert; Friedel, Scott; Thom森, Linda	DP, EA, WP
294	SEC-MC0302459	12/5/2008	Friestad, Scott	Thom森, Linda; Ricciardi, Walter		Kaplan, Robert	DP, PA, WP
295	SEC-MC0302460	12/5/2008	Friestad, Scott	Thom森, Linda; Ricciardi, Walter		Kaplan, Robert	DP, PA, WP
296	SEC-MC0302586	12/5/2008	Vollmer, Andrew	Cartright, Brian G.		Romero, Christy	DP, AC, WP
301	SEC-MC0301163	1/30/2008	Friestad, Scott	Korotash, Stephen J.; Thom森, Linda; Ricciardi, Walter			DP, PA, WP
302	SEC-MC0301167	1/30/2008	Korotash, Stephen J.	Friestad, Scott			DP, PA, WP
305	SEC-MC030089	1/31/2008	Friestad, Scott	Thom森, Linda ; Ricciardi, Walter	Kaplan, Robert	Friestad, Scott; Ricciardi, Walter; Thom森, Linda	DP, PA, WP
316	SEC-MC0301495	1/31/2008	Friestad, Scott		Kaplan, Robert		DP, PA, WP
317	SEC-MC031501	1/31/2008	Thom森, Linda	Friestad, Scott		Thom森, Linda; Friestad, Scott; Ricciardi, Walter; Thom森, Linda; Kaplan, Robert	DP, PA, WP
320	SEC-MC0302463	1/31/2008	Friestad, Scott	Thom森, Linda ; Ricciardi, Walter	Kaplan, Robert		DP, PA, WP

Case Number	Document ID	Subject	From	To	CC	BCC	Subject	Body	Actions
321	SEC-MC0302464	SEC-MC0302467		Thomsen, Linda ; Ricciardi, Walter	Kaplan, Robert			Draft memorandum prepared for Director of Enforcement to send to Chairman COs providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302463	DP, PA, WP
335	SEC-MC0302403	SEC-MC0302403		Uhlmann, Peter; Romero, Christy L.				Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576	WP, PA, DP
336	SEC-MC0302404	SEC-MC0302407		Uhlmann, Peter; Romero, Christy L.	Gallagher, Jr., Daniel M.			Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of employees not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302403	WP, DP, PA
337	SEC-MC0302408	SEC-MC0302408		2/14/2008 Thomsen, Linda	Gallagher, Jr., Daniel M.			Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576	DP, WP
338	SEC-MC0302409	SEC-MC0302412		2/14/2008 Thomsen, Linda	Gallagher, Jr., Daniel M.			Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302403	DP, PA, WP
339	SEC-MC0302413	SEC-MC0302413		2/14/2008 Thomsen, Linda	Gallagher, Jr., Daniel M.			Email string discussing and forwarding Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302403	DP, PA, WP
340	SEC-MC0302414	SEC-MC0302417		2/14/2008 Thomsen, Linda	Gallagher, Jr., Daniel M.			Rieves, Julie; Kaplan, Robert; Friedstad, Scott; Ricciardi, Waller	DP, PA, WP
341	SEC-MC0302418	SEC-MC0302418		2/14/2008 Thomsen, L.C.	Gallagher, D.M.			Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, dated January 30, 2008, includes disciplinary action discussion against employee, attached to SEC-MC0302413	DP, PA, WP
342	SEC-MC0302419	SEC-MC0302422		2/14/2008 Friedstad, S.W.	Thomsen, L.C.			Email string forwarding Memorandum setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, dated February 4, 2008, prepared by S. Friedstad, includes disciplinary action discussion against employee, attached to SEC-MC0302418	DP, PA, WP
346	SEC-MC030123	SEC-MC030123		2/16/2008 Kaplan, Robert	Reed, Matthew P.			Email transmittal thermal memorandum regarding HO-10576 investigation and chronology thereof	DP, WP
347	SEC-MC030124	SEC-MC030127		2/16/2008 Kaplan, Robert	Reed, Matthew P.			February 4, 2008 version of memorandum on chronology of HO-10576, including discussion of disciplinary action against employee not involved in HO-10576, prepared by S. Friedstad or L. Thomsen, attached to SEC-MC030123	DP, PA, WP

Document Number	Document Description	Date	From	To	Subject	Comments	
456 SEC-MC0300983	SEC-MC0300983	11/7/2008	Riewe, Julie M.	Kaplan, Robert ; Chaudoin, Daniel T. ; O'Rourke, Kevin ; Aderton, Adam S.	Hypothetical questions and draft answers to assist counsel in preparing for November 13, 2008 Commission Executive Session HO-10576 attached to SEC-MC0300980	DR, AC, WP	
457 SEC-MC0300751	SEC-MC0300751	11/7/2008	Friestad, Scott	Kaplan, Robert	Draft string transcribing draft press release to be issued after complaint filed in HO-10576 including alternative language to be considered by counsel, attached to SEC-MC0300751	DP, WP	
458 SEC-MC0300732	SEC-MC0300732	11/7/2008	Kaplan, Robert	Friestad, Scott ; Riewe, J.M.	Draft of press release to be issued after complaint filed in HO-10576 including alternative language to be considered by counsel, attached to SEC-MC0300751	DP, WP	
459 SEC-MC0302495	SEC-MC0302495	11/7/2008	Kaplan, Robert	Thomson, Linda ; Friestad, Scott ; Curtis, George ; McKown, Joan	Buford, Charlotte: Doty, Nancy; McCanns, Shirley	Email string (forwarding summary of HO-10576 and staff recommendation in preparation for November 13, 2008 Commission Executive Session)	DP, AC, WP
460 SEC-MC0302389	SEC-MC0302389	11/10/2008	Pisto, L.W. ; Levine, R.A.	Bondi, J.J. ; Broadbent, C.L. ; Burns, J.R. ; Cohen, A.F. ; Digher, M. ; Daly, J.D. ; Davis, J.A. ; Dimitrius, D.R. ; Freeman, S.K. ; Gallagher, M.K. ; Jessen, D.L. ; Jones, C.H. ; Kaput, J.U. ; Kupel, S.H. ; Martin, B.J. ; May, Z.S. ; Post, M.L. ; Ramratham, S.S. ; Rodriguez, C. ; Ronero, C.L. ; Shepard, L. ; Ultmann, P. ; Vaughan, L. ; Wheat, M.	Memorandum from the Office of General Counsel providing legal advice on Action Memorandum recommendations for HO-10576.	DR, AC, WP	
462 SEC-MC0301499	SEC-MC0301499	11/11/2008	Friestad, Scott	Thomson, Linda ; McKown, Joan ; Curtis, George	Email regarding Chairman's intent with respect to Commission Executive Session on November 13, 2008	DP, WP	
463 SEC-MC0300876	SEC-MC0300876	11/12/2008	Riewe, Julie M.	Kaplan, Robert	Email string (forwarding comments from HO-10576)	DP, WP	
464 SEC-MC0301158	SEC-MC0301158	11/12/2008	Friestad, Scott	McKown, Joan ; Curtis, George	Kaplan, R.B. ; Chaudoin, D.T. ; Riewe, J.M.	Email forwarding comments from Office of General Counsel on HO-10576 Action Memorandum	DP, AC, WP
465 SEC-MC0301159	SEC-MC0301159	11/12/2008	Levine, R.A. ; Pisto, L.	Friestad, S.W. ; Kaplan, R.B. ; Chaudoin, D.T. ; Riewe, J.M. ; McKown, J.	Draft memorandum containing Office of General Counsel analysis of evidence and legal issues raised in HO-10576 prepared in anticipation of November 13, 2008 Commission Executive Session	DR, AC, WP	
466 SEC-MC0301223	SEC-MC0301223	11/12/2008	Levine, R.A. ; Pisto, L.	O'Rourke, Kevin ; Aderton, Adam S. ; Riewe, J.M.	General Counsel addressing legal and evidentiary issues in HO-10576 attached to SEC-MC0301222	DR, AC, WP	
467 SEC-MC0301227	SEC-MC0301227	11/12/2008	O'Rourke, Kevin	Mella, Lou	Email forwarding Memorandum prepared by Office of General Counsel addressing legal and evidentiary issues in HO-10576	DR, WP	
468 SEC-MC0301231	SEC-MC0301231	11/12/2008	Levine, R.A. ; Pisto, L.	O'Rourke, Kevin ; Aderton, Adam S. ; Riewe, J.M.	Memorandum prepared by Office of General Counsel addressing legal and evidentiary issues in HO-10576 attached to SEC-MC0301222	DR, AC, WP	
470 SEC-MC0302469	SEC-MC0302469	11/12/2008	Levine, R.A. ; Pisto, L.W. ; Kaplan, R.B.	Thomsen, Linda	Internal memorandum prepared by the Office of General Counsel providing legal advice to Commission to assist its decisionmaking on request for authorization to file civil suit against Mark Cuban in HO-10576, attached to SEC-MC0302468	DP, AC, WP	

DATE	TO	FROM	SUBJECT	OTHER	PARTICIPANTS	REASON
471	11/13/2008	Kaplan, Robert	Rieve, Julie M.		Friestad, S.W.	Email string discussing alternative approaches to presenting recommendation for bringing insider trading action in HO-10576 to Commission.
472	11/13/2008	Kaplan, Robert ; Chaudoin, Daniel F.	Rieve, Julie M.			Email discussion of question raised by Office of General Counsel to establish counsel in providing its evaluation to the Commission in HO-10576
473	11/13/2008	Kaplan, Robert	Rieve, Julie M.			Draft summary presentation to the Commission in support of recommendation to file action in HO-10576 for review by counsel
474	11/13/2008	Friestad, Scott	Rieve, Julie M.		Kaplan, Robert; Rieve, Julie M.; Friestad, Scott	Email string discussing proposed text of release in anticipation of filing civil action in HO-10576.
475	11/13/2008	Friestad, Scott	Rieve, Julie M.		Kaplan, Robert; Rieve, Julie M.; Friestad, Scott	Draft press release for HO-10576 attached to SEC-MC031485.
476	11/13/2008	Friestad, Scott	Zelinsky, Yuli		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email string forwarding draft press release showing status information regarding HO-09500 investigation and response thereto
477	11/14/2008	Friestad, Scott	Nester, John J. ; Callahan, Kevin J. ; Haine, John D.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email discussing and forwarding revised press release and draft statement about Commission decision in authorizing filing of civil action against Mark Cuban in HO-10576.
478	11/14/2008	Friestad, Scott	Nester, John J. ; Callahan, Kevin J. ; Haine, John D.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Draft press release for HO-10576 attached to SEC-MC031492.
479	11/14/2008	Friestad, Scott	McKown, Joan ; Thomsen, Curtis ; George		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email string discussing the topics for upcoming chairman's senior staff meeting, including HO-10576.
480	11/15/2008	Kaplan, Robert	Rieve, Julie M. ; Friestad, Scott		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email discussion among counsel about draft litigation release for HO-10576 and raising questions about draft to S.W. Friestad
481	11/15/2008	Kaplan, R.B. ; Friestad, S.W.	Rieve, J.M.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Counsel's draft litigation release to be issued when complaint filed in HO-10576
482	11/17/2008	Friestad, Scott	Kaplan, Robert ; Rieve, Julie M.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email string discussing and forwarding revised press release and draft statement about Commission decision in authorizing filing civil action against Mark Cuban in HO-10576.
483	11/17/2008	Friestad, Scott	Kaplan, Robert ; Rieve, Julie M.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Draft press release for HO-10576 showing redlined revisions, attached to SEC-MC031498.
484	11/17/2008	Friestad, Scott	Kaplan, Robert ; Rieve, Julie M.		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Draft statement about Commission decision in authorizing the filing of a civil action against Mark Cuban, attached to SEC-MC031488.
485	11/17/2008	Callahan, Kevin J. ; Scott	Nester, John J. ; Friestad, Scott		Rieve, Julie; Friestad, Robert; Nester, John; Callahan, Kevin; Haine, John; Haine, Julie M.	Email string proposing changes to draft press release for use after insider trading action filed against Mark Cuban and discussing context for review of draft press release

Case Number	Document Number	Date	To	From	Subject	RE: Email Participants	RE: Email Recipients	RE: Email Sent	RE: Email Received
486	SEC-MC0302487	SEC-MC0302488	11/17/2008	Rieve, Julie M.	Gillet, Veronica L.; Akins, Carlene; News Digest	Kaplan, Robert; Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friesland, Scott		Email forwarding SEC v. Cuban complaint, along with original and revised news digest, and litigation release	DP, WP
487	SEC-MC0302489	SEC-MC0302489	11/17/2008	Rieve, Julie M.	Gillet, Veronica L.; Akins, Carlene; News Digest	Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friesland, Scott		Draft press release prepared in anticipation of filing action in SEC v. Mark Cuban, attached to SEC-MC0302489	DP, WP
488	SEC-MC0302490	SEC-MC0302490	11/17/2008	Rieve, Julie M.	Gillet, Veronica L.; Akins, Carlene; News Digest	Peterson, Jill M.; Callahan, Kevin J.; Heine, John D.; Nester, John J.; Friesland, Scott		Draft litigation release on SEC v. Mark Cuban attached to SEC-MC0302489	DP, WP
489	SEC-MC0302505	SEC-MC0302505	11/17/2008	Nester, John J.	Friesland, Scott	Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Rieve, Julie	Email string forwarding revisions to draft press release for use upon filing of complaint in SEC v. Mark Cuban.	DP, WP
490	SEC-MC0302506	SEC-MC0302507	11/17/2008	Nester, John J.	Friesland, Scott	Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Rieve, Julie	Drafted revisions of J. Nester to press release in preparation for filing complaint in SEC v. Mark Cuban, attached to SEC-MC0302505.	DP, WP
491	SEC-MC0302508	SEC-MC0302508	11/17/2008	Nester, John J.	Friesland, Scott	Callahan, Kevin J.	Kaplan, Robert; Rieve, Julie	Redlined revisions of J. Nester to press release in preparation for filing complaint in SEC v. Mark Cuban, attached to SEC-MC0302505.	DP, WP
492	SEC-MC0302509	SEC-MC0302510	11/17/2008	Nester, John J.	Friesland, Scott	Callahan, Kevin J.	Kaplan, Robert; Rieve, Julie	Drafted revisions of J. Nester to press release in preparation for filing complaint in SEC v. Mark Cuban, attached to SEC-MC0302508.	DP, WP
493	SEC-MC0302511	SEC-MC0302511	11/17/2008	Nester, John J.	Callahan, Kevin J.		Friesland, Scott; Kaplan, Robert; Rieve, Julie	Draft press statement prepared by J. Nester for responding to inquiries regarding actions of employees not involved in HCR-10576 and Mark Cuban investigation, includes disciplinary action discussion against employee, attached to SEC-MC0302508.	DP, PA, WP
494	SEC-MC0302561	SEC-MC0302561	11/17/2008	Jones, C.H.	Romeo, Christy L.			Email forwarding and discussing language of draft press release for use upon filing of SEC v. Mark Cuban.	DP, WP
495	SEC-MC0302565	SEC-MC0302565	11/17/2008	Callahan, Kevin J.	Nester, John J.; Friesland, Scott	Callahan, Kevin J.; Heine, John D.	Kaplan, Robert; Rieve, Julie	Email responding to draft press release for use upon filing of SEC v. Mark Cuban.	DP, WP
496	SEC-MC0302571	SEC-MC0302571	11/17/2008	Weinstein, Andrew	Nester, John J.			Email string forwarding and responding to proposed statement for responding to press inquiries about Commission deliberation prior to filing civil complaint in SEC v. Mark Cuban.	DP, WP
497	SEC-MC0302579	SEC-MC0302579	11/17/2008	Weinstein, Andrew	Uhlmann, Peter; Cohen, Alexander P.; Cartwright, Nestor, John J.; Meija, Lou; Ruiz, Diego L.			Email forwarding draft response to press inquiries about Commission deliberation prior to filing civil complaint in SEC v. Mark Cuban.	DP, WP
498	SEC-MC0302566	SEC-MC0302566	11/18/2008	Friesland, Scott	Nester, John J.; Friesland, Scott; Kaplan, Robert; Adler, Mark A.			Email discussing possible response to member of the press.	DP, WP
500	SEC-MC0302567	SEC-MC0302567	11/18/2008	Meija, Lou				Email discussing possible response to Cuban blog posting forwarded by member of the press.	DP, WP
502	SEC-MC0302581	SEC-MC0302581	11/21/2008	Thomsen, Linda	Enforcement Division nationwide			Redacting information and internal discussion of SEC cases, not responsive to pending discovery.	DP, PA, WP

NUMBER	REASON	PERIOD	FROM	TO	CC	EXCERPT	ATTACHMENT(S)	REVIEWER(S)
503	SEC-MC0302256 SEC-MC0303374	4/7/2009	Supervisor					
504	SEC-MC0300658 SEC-MC0300659	8/12/2009	Turner, A.O.					
505	SEC-MC0300613 SEC-MC0300613	8/14/2009	Turner, Alton O.	Koch, Alexander ; Harley, Paul ; Zelinsky, Yuri				
507	SEC-MC0300609 SEC-MC0300609	8/19/2009	Turner, Alton O.					
508	SEC-MC0300610 SEC-MC0300612	8/19/2009	Turner, A.O.	Zelinsky, Y.	Harley, Paul			
512	SEC-MC0300355 SEC-MC0300359	2/0/2007	Rieve, J.M.	Kaplan, R.B.				
513	SEC-MC030374 SEC-MC030378	2/0/2007	Rieve, J.M.	Kaplan, R.B. ; Chaudoin, O.T.				
514	SEC-MC0300360 SEC-MC030364	3/0/2007	Rieve, J.M.	Kaplan, R.B. ; Chaudoin, O.T.				
516	SEC-MC0300614 SEC-MC0300616	8/0/2009	Turner, A.O. ; Harley, P.	Koch, Alexander	Harley, P.			
517	SEC-MC0300617 SEC-MC0300619	8/0/2009	Turner, A.O. ;	Koch, Alexander	Harley, P.			
518	SEC-MC0300621 SEC-MC0300623	8/0/2009	Turner, A.O.	Harley, Paul				
520	SEC-MC0300950		ORourke, Kevin	Kaplan, Robert ; Rieve, Julie M.				
522		3/1/2007	Walker, Dick ; Culler, Steve	SEC Enforcement Division				
525	SEC-MC0301574	8/18/2007	Friestad, Scott	Supervisor				

AC = Attorney/Client Privilege. DP = Deliberative Process. LE = Law Enforcement Privilege. PA = Privacy Act Protection. WP = Work Product Protection

Hard Copy Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE REDACTION
2	SEC-MC0200949	SEC-MC0200984	2007.02.27	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	SEC Commissioners		Action Memorandum requesting Commission to issue a formal order of investigation in HO-10576 with investigative counsel's analysis of relevant facts and legal issues	DP, AC, WP
3	SEC-MC0201769	SEC-MC0201774	2007.02.27	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	File		Draft of the Action Memorandum for HO-10576 seeking formal order of private investigation containing analysis of evidence and law with handwritten notes of R.B. Kaplan reflecting strategy	DP, AC, WP
9	SEC-MC0200442	SEC-MC0200443 (duplicate at SEC-MC0200904-05)	2007.03.12	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; Cullen, L.			Draft Commission Order Directing Private Investigation and Designating Officers to Take Testimony for HO-10576 setting forth legal and factual basis for undertaking formal investigation with handwritten comments of Linda Cullen	DP, AC, WP
15	SEC-MC0200430	SEC-MC0200441	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law and requesting Commission action	DP, AC, WP
16	SEC-MC0200892	SEC-MC0200903	2007.06.28	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Investigative Team		Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law	DP, AC, WP
21	SEC-MC0200253	SEC-MC0200257 (duplicates at SEC-MC020258-62, SEC-MC020263-67)	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomseen, L.C.		Memorandum discussing response to factual and legal arguments set forth in Wells submission in preparation for meeting with counsel for Mark Cuban in HO-10576	DP, WP
22	SEC-MC0200806	SEC-MC0200810	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.	Thomseen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban. [Duplicate of SEC-MC0100359 - SEC-MC0100363]	DP, WP

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE REDACTION
23	SEC-MC0200811	SEC-MC0200815	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359- SEC-MC0100363]	DP, WP
24	SEC-MC0200816	SEC-MC0200820	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359- SEC-MC0100363]	DP, WP
25	SEC-MC0200821	SEC-MC0200825	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.	Thomsen, L.C.		Memorandum summarizing Mark Cuban Wells submission and legal staff response to the legal and factual arguments set forth in the submission for meeting with counsel for Mark Cuban in HO-10576 [Duplicate of SEC-MC0100359- SEC-MC0100363]	DP, WP
27	SEC-MC0201818	SEC-MC0201823	2007.07.18	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.	Thomsen, L.C.		Memorandum summarizing May 23, 2007 Wells Call in HO 10576 and investigative team's response with handwritten notes of S.W. Friestad reflecting meeting with Paul Coggins on July 19, 2007	DP, WP
47	SEC-MC0200416	SEC-MC0200429 (duplicate at SEC-MC0200878-91)	2007.10.15	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.; O'Rourke, K.P.	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.		Handwritten comments and edits of S.W. Friestad on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law	DP, AC, WP
48	SEC-MC0201790	SEC-MC0201803	2007.10.15	Friestad, S.W.	Friestad, S.W.		Draft Action Memorandum for HO-10576 containing analysis of law and evidence with edits from S.W. Friestad	DP, AC, WP
49	SEC-MC0200410	SEC-MC0200415 (duplicate at SEC-MC0200872-77)	2007.11.01		Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Rieve, J.M.; O'Rourke, K.P.		Handwritten comments and edits of K.P. O'Rourke on draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staffs analysis of the facts and law	DP, AC, WP

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE/REDACTION
50	SEC-MC0201804	SEC-MC0201817	2007.11.13	HO-10576 Case Team	File and HO 10576 team		Draft of Action Memorandum for HO-10576 containing analysis of the evidence and the law with handwritten edits of S.W. Friestad	DP, AC, WP
51	SEC-MC0200394	SEC-MC0200409	2007.11.21		Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team	Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad and J.M. Riewe	DP, AC, WP
52	SEC-MC0200858	SEC-MC0200871	2007.11.21		Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.	Case Team	Draft Action Memorandum for HO-10576 requesting Commission decision and providing legal staff's analysis of the facts and law with handwritten comments of S.W. Friestad	DP, AC, WP
53	SEC-MC0201777	SEC-MC0201789	2007.12.31		Friestad, S.W. File		Draft Action Memorandum for HO-10576 reflecting his thoughts for Friestad	DP, AC, WP
54	SEC-MC0200242	SEC-MC0200245	2008.01.00	Riewe, J.M.	Case Team	Handwritten notes of S.W. Friestad on Action Memorandum for HO-10576 reflecting his thoughts for discussion with the Commission.	DP, AC, WP	
55	SEC-MC0200246	SEC-MC0200249	2008.01.00	Riewe, J.M.	Case Team	Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576 with handwritten notes of J.M. Riewe.	DP, AC, WP	
56				Riewe, J.M.	Case Team	Outline of legal and factual issues to discuss with Commissioners' Legal Assistants on January 22, 2008 in HO-10576	DP, AC, WP	
57	SEC-MC0200800	SEC-MC0200803	2008.01.00	Riewe, J.M.	Case Team	Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistant in HO-10576 setting forth counsels' analysis of the relevant facts and law with handwritten notes and edits of J.M. Riewe	DP, AC, WP	
60	SEC-MC0201764	SEC-MC0201766	2008.01.00	Kaplan, R.B.	File	Draft Talking Points for anticipated January 22, 2008 Meeting with Commissioners' Legal Assistants in HO-10576 setting forth counsels' analysis of the relevant facts and law	DP, AC, WP	
						Draft of memorandum from Linda C. Thomsen to Christopher Cox outlining the chronology of the HO-10576 with handwritten edits of R.B. Kaplan	DP, AC, WP	

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE REDACTION
63	SEC-MC0201606	SEC-MC0201608	2008.01.31	Levine, R.; Pistow, L.	Case Team		Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	DP, AC, WP
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA, WP
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsels draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA, WP
67	SEC-MC0201712	SEC-MC0201715	2008.10.00	Supervisors	File		Counsel's draft Letter of Suspension/Termination with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	DP, PA
69	SEC-MC0200250	SEC-MC0200252	2008.11.00	Riewe, J.M.	Case Team		Draft Talking Points for November 13, 2008 meeting with the Commissioners to discuss staff recommendation for HO-10576	DP, AC, WP
71	SEC-MC0201609	SEC-MC0201612	2008.11.12	Levine, R.; Pistow, L.	Commissioners and Staff; HO-10576 Case Team		OFFICIAL COMMISSION RECORD HO-10576 -- Memorandum prepared by counsel in the Office of General Counsel addressing issues to be considered by Commissioners in conjunction with Action Memorandum for HO-10576	DP, AC, WP
72	SEC-MC0200305	SEC-MC0200308	2008.11.13	Levine, R.; Pistow, L.	Commissioners and Staff		Memorandum prepared by attorneys in Commission's Office of General Counsel addressing legal and factual issues raised in Action Memo for HO-10576 with handwritten notes of J.M. Riewe	DP, AC, WP
73	SEC-MC0200987	SEC-MC0201602	2008.11.13	Friestad, S.W.; Kaplan, R.B.; Chaudoin, D.T.; Riewe, J.M.; O'Rourke, K.P.			OFFICIAL COMMISSION RECORD HO-10576 -- Action Memorandum requesting Commission to authorize filing a civil action in HO-10576 with investigative and litigation counsel's analysis of relevant facts and legal issues with Secretary's Notations of Agency Action taken on November 13, 2008 with Official Commission File, including Wells Submission of June 29, 2007, Wells Submission of September 21, 2007 (and exhibits thereto), R.C. Ferrara September 21, 2007 letter to S.W. Friedstad (and exhibits attached thereto), and S.W. Friedstad letter of September 24, 2007 to R. C. Ferrara.	DP, AC, WP

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INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE/REDACTION
74				Commission Executive Session	Commissioners, Senior Staff, Members of Investigative team and Senior Enforcement Staff		Tape recording of Closed Executive Meeting of Commissioners to consider Action Memorandum in HO-10576 requesting authorization to bring civil action against Mark Cuban for insider trading	DP, AC, WP
75	SEC-MC0200985	SEC-MC0200986	2008.11.13	Taylor, J.L.; Kimps, M.M.	Official Commission Files		Minutes of substantive discussion among Commissioners during Executive Session November 13, 2008 discussing whether to authorize filing a civil suit against, Mark Cuban HO-10576	DP, AC, WP
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	Yes
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	DP, PA, WP

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Exhibit A-4

SEC Privilege Log:

Law Enforcement Privilege

Electronic Log

Document Number	Subject	From	To	CC	BCC	Other	Ranking	Category	Redacted
13 SEC-MC0300945 SEC-MC0300947	10/26/2005 Turner, Alton O.	Zelinsky, Yuri; Brodmayer, Kara; Chaudhuri, Daniel T.; Challa, Joseph P.; Rawls, Julie M.; Kelly, Anthony S.				Email forwarding tip relating to purchases of Mamma.com shares in HC-03900	LE, WP		
22 SEC-MC0301921 SEC-MC0301922	12/13/2006 Kaplan, Robert					Anonymous Emails		LE, PA	Yes
276 SEC-MC0300654 SEC-MC0300654	1/22/2008 McGarey, Timothy N.	Zelinsky, Yuri; Turner, Alton O.				Name of anonymous tipper and intermediary effected		LE, PA	
381 SEC-MC0302288 SEC-MC0302294	4/7/2008 Supervisor					Email transmitting draft responses to inquiry from FINRA (SEC-MC0300651 - 653) for purposes of obtaining counsel's comments		LE, WP	
503 SEC-MC0302295 SEC-MC0302374	4/7/2009 Supervisor					Draft internal report from Supervisor to Employee of employee not involved in HO-1 0576 investigation dated April 2008 regarding proposed employee action. Includes disciplinary action discussion against employee.		LE, DP, PA	
510 SEC-MC0300651 SEC-MC0300653	1/22/2010 McGarey, Timothy N.	Dreddy, S.				Draft internal report from Supervisor to Employee of employee not involved in HO-1 0576 investigation dated April 2008 regarding proposed employee action, which is being forwarded to Supervisor, against employee.		LE, DP, PA	
						Draft letter to counsel at FINRA responding to request for information relating to Copernic and discussing notice to Copernic closing of HO-03900 investigation, attached to SEC-MC0300654.		LE, AC, WP	

Exhibit A-5

SEC Privilege Log:

Privacy Act

Electronic Log

Index Number	Document Number	Date	From	To	Subject	Block	Category	Notes
22	SEC-MC0301921	12/13/2006	Kaplan, Robert	Chaudoin, Daniel T.; Cella, Joseph J.; Riewe, Julie M.; Kelly, Anthony S.			Anonymous Email	PA, LE, Yes
80	SEC-MC0302587	5/19/2007	Baldicchi, Deborah	Cox, Christopher			Anonymous Email	Intermediary/Revised email exchange between SEC personnel and third party for purposes of obtaining legal advice re: potential employee disciplinary action
106	SEC-MC0302556	7/13/2007	Uhmann, Peter	Loesch, Michael			PA, AC, DP	Email forwarding small exchange between SEC employees and Mark Cuban for consideration by senior agency officials with attached records; includes discussion of disciplinary action against employee
107	SEC-MC0302557	7/13/2007	Uhmann, Peter	Loesch, Michael			PA, DP, WP	Email exchange between SEC personnel discussing disclosure with M. Cuban, includes discussion of disciplinary action against employee, attached to SEC-MC0302556
135	SEC-MC0302218	7/23/2007	Supervisor	Supervisor			PA	Email discussion among supervisors regarding conduct of disciplined employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee
145	SEC-MC0302623	7/27/2007	Supervisor	Supervisor			PA	Email discussion of ongoing agency response to actions of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee
155	SEC-MC0302149	8/4/2007	Employee	Supervisor			PA, WP	Email string regarding proposed employee action for employee not involved in HO-10576, includes disciplinary action discussion against employee
156	SEC-MC0302151	8/4/2007	Employee	Supervisor			PA	Email string regarding proposed employee action for employee not involved in HO-10576, includes disciplinary action discussion against employee
159	SEC-MC0302270	8/7/2007	Supervisor	Supervisor			PA	Draft memorandum from supervisor to employee not involved in HO-10576 investigation dated 8/7/2007 with attachments regarding proposed employee action, which includes disciplinary action discussion against employee
169	SEC-MC0302268	8/26/2007	Supervisor	Supervisor			PA	Cover email forwarding Memorandum from supervisor to employee not involved in HO-10576 investigation dated 8/26/2007 regarding proposed employee action, includes disciplinary action discussion against employee
170	SEC-MC0302140	9/1/2007	Employee	Supervisor			PA	Forwarding email containing personnel information in response to personnel action, includes disciplinary action
171	SEC-MC0302142	9/12/2007	Norris, Jeffrey B.	Norris, Sherilee			PA	Employee's wife, Norris, Jeffrey B.; Norris, Sherilee
277	SEC-MC030114	1/24/2008	Riewe, Julie	Kaplan, Robert			PA	PA, DP, WP

Case Number	Subject	From	To	Date	Participants	Subject	Protect	
281	SEC-MC0300017	SEC-MC0300017		1/25/2008	Friestad, Scott	Reed, Matthew P.; Kaplan, Robert; Riwe, Julie M.	Notice from Office of Secretary pulling HO-10576 from Commission calendar for January 31, 2008, with cover note from S. Friestad, including discussion of disciplinary action against employees from SEC-MC0300085.	
282	SEC-MC0300085	SEC-MC0300085		1/25/2008	Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Email discussing and transmitting draft chronology of HO-10576 investigation, including discussion of disciplinary action against employees.	
283	SEC-MC0300086	SEC-MC0300086		1/25/2008	Friestad, Scott	Kaplan, Robert	Memorandum discussing chronology of Mamma.com investigation, including discussion of disciplinary action against employee, attached to SEC- MC0300085.	
288	SEC-MC0301164	SEC-MC0301166		1/25/2008	Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Draft chronology of the HO-10576 Investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301163.	
289	SEC-MC0301168	SEC-MC0301171		1/25/2008	Korotash, Stephen J.	Friestad, Scott	Chronology of the HO-10576 Investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employee, attached to SEC-MC0301167.	
291	SEC-MC031665	SEC-MC031665		1/25/2008	Ricciardi, Walter	Friestad, Scott; Thomsen, Linda	Emails discussing draft chronology of HO-10576 investigation, including discussion of disciplinary action of employees not involved in HO- 10576.	
292	SEC-MC032423	SEC-MC032423		1/25/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.	Email forwarding memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employees.	
293	SEC-MC032424	SEC-MC032426		1/25/2008	Ricciardi, Walter	Gallagher, Jr., Daniel M.	Draft memorandum prepared for Director of Enforcement, setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employees.	
294	SEC-MC032459	SEC-MC032459		1/25/2008	Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Kaplan, Robert	Email forwarding draft memorandum prepared for Director of Enforcement providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employees.
295	SEC-MC032460	SEC-MC032462		1/25/2008	Friestad, Scott	Thomsen, Linda; Ricciardi, Walter	Draft memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion on against employee, attached to SEC- MC0302459.	
301	SEC-MC0301163	SEC-MC0301163		1/30/2008	Friestad, Scott	Korotash, Stephen J.; Thomsen, Linda C.; Ricciardi, Walter	Emails forwarding draft chronology of the HO-10576 investigation, including of disciplinary action against employee, with comments of counsel on additional information to be provided.	

AC = Attorney/Client Privilege. DP = Deliberative Process. LE = Law Enforcement Privilege. PA = Privacy Act Protection. WP = Work Product Protection

Index	Document	Date	From	To	CC	Subject	Details
302	SEC-MC0301167 SEC-MC0301167	1/30/2008	Korobash, Stephen J.	Fristad, Scott			Email transmitting revised draft chronology of the HO-10576 investigation and attorney communications with Mark Cuban, including discussion of disciplinary action against employees.
306	SEC-MC030089 SEC-MC030089	1/31/2008	Fristad, Scott	Thomsen, Linda ; Walter	Kaplan, Robert	Fristad, Scott; Robert; Kepahn, Robert; Ricciardi, Walter; Thomsen, Linda	PA, DP, WP Email discussing and transmitting revised draft chronology of HO-10576 investigation and potential disciplinary action against employees.
316	SEC-MC0301495 SEC-MC0301495	1/31/2008	Fristad, Scott	Kaplan, Robert		Thomsen, Linda ; Ricciardi, Walter	Email string forwarding revised chronology of HO-10576 investigation and actions of employee not involved in HO-10576 investigation, including discussion of disciplinary action against employees.
317	SEC-MC0301501 SEC-MC0301501	1/31/2008	Thomsen, Linda	Fristad, Scott		Thomsen, Linda ; Fristad, Scott; Ricciardi, Walter; Kaplan, Robert	Email string attaching chronology of HO-10576 investigation of employee not involved in HO-10576 investigation, including discussion of disciplinary action against employee, including action against attorney not involved in HO-10576 investigation and consideration of action memorandum.
318	SEC-MC0301566 SEC-MC0301566	1/31/2008	Ricciardi, Walter	Fristad, Scott ; Thomsen, Linda	Kaplan, Robert	Thomsen, Linda ; Ricciardi, Walter	Email string discussing revised draft chronology of HO-10576 investigation and disciplinary action of staff attorney not involved in HO-10576.
320	SEC-MC0302463 SEC-MC0302463	1/31/2008	Fristad, Scott	Thomsen, Linda ; Ricciardi, Walter	Kaplan, Robert	Thomsen, Linda ; Ricciardi, Walter	Email discussing and transmitting revised chronology of HO-10576 investigation and actions of attorney not involved in HO-10576 investigation against employee, attached to SEC-MC0302463.
321	SEC-MC0302464 SEC-MC0302467	1/31/2008	Fristad, Scott	Uhlmann, Peter; Romero, Christy L.	Kaplan, Robert	Thomsen, Linda ; Ricciardi, Walter	Email transmitting memorandum prepared for Director of Enforcement to send to Chairman Cox providing chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302463.
335	SEC-MC0302403 SEC-MC0302403	2/4/2008	Ballasher, Jr., Daniel M.	Uhlmann, Peter; Romero, Christy L.			Email transmitting memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302403.
336	SEC-MC0302404 SEC-MC0302407	2/4/2008	Ballasher, Jr., Daniel M.	Uhlmann, Peter; Romero, Christy L.			Email transmitting memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee, attached to SEC-MC0302408.
338	SEC-MC0302409 SEC-MC0302412	2/4/2008	Thomsen, Linda	Gallicher, Jr., Daniel M.			Email string discussing and forwarding Memorandum prepared for Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576, includes disciplinary action discussion against employee.
339	SEC-MC0302413 SEC-MC0302413	2/4/2008	Thomsen, Linda	Gallicher, Jr., Daniel M.			Rieve, Julie; Kepahn, Robert; Fristad, Scott; Ricciardi, Walter

AC = Attorney/Client Privilege, DP = Deliberative Process, LE = Law Enforcement Privilege, PA = Privacy Act Protection, WP = Work Product Protection

Case Number	Subject	From	To	Subject	Other EA/PA Participants	Subject	Other EA/PA Participants
340. SEC-MC0302414	SEC-MC0302417	2/4/2008 Thomsen, Linda	Gallagher, Jr., Daniel M.	Kaplen, Robert; Fristad, Scott; Richard, Walter	PA, DP, WP	Memorandum from Director of Enforcement setting out chronology of attorney not involved in HO-10576 investigation and actions of dated January 30, 2008. Includes disciplinary action discussion against employees attached to SEC-MC0302413.	
341. SEC-MC0302418	SEC-MC0302418	2/4/2008 Thomsen, L.C.	Gallagher, D.M.	Fristad, S.W.		Email string forwarding Memorandum from Director of Enforcement setting out chronology of HO-10576 investigation and actions of attorney not involved in HO-10576.	PA, DP, WP
342. SEC-MC0302419	SEC-MC0302422	2/4/2008 Fristad, S.W.	Thomsen, L.C.	Gallagher, D.M.		Internal memorandum discussing the chronology of HO-10576, dated February 4, 2008 prepared by S. Fristad. Includes disciplinary action discussion against employees attached to SEC-MC0302418.	PA, DP, WP
347. SEC-MC0300124	SEC-MC0300127	2/6/2008 Kaplan, Robert	Reed, Matthew P.			Internal memorandum discussing the chronology of HO-10576, including discussion of disciplinary action against employee not involved in HO-10576, prepared by S. Fristad for L. Thomsen, attached to SEC-MC0300123.	PA, DP, WP
361. SEC-MC0302288	SEC-MC0302294	4/7/2008 Supervisor		Supervisor		Draft internal report from Supervisor to Employee of Employee not involved in HO-10576 Investigation dated April 7, 2008 regarding proposed employee action. Includes disciplinary action discussion against employee.	PA, DP, WP
420. SEC-MC0301661	SEC-MC0301662	5/16/2008 O'Beirne, Kevin	Adler, Mark A.	Supervisor	Supervisor	Email string on handling of litigation hold notice sent to employee. Includes discussion of disciplinary action against employee.	PA, LE
421. SEC-MC0302284	SEC-MC0302284	5/16/2008 O'Beirne, Kevin	Case counsel	Supervisors	Supervisors	Email to cause handling HO-10576 regarding conduct of employee not involved in HO-10576 investigation. Includes disciplinary action discussion against employee.	PA, WP
432. SEC-MC0302220	SEC-MC0302265	5/16/2008 Supervisor	7/7/2008 Supervisor	Supervisors	Supervisors	Internal report with attachments regarding conduct of employee not involved in HO-10576 investigation. Includes disciplinary action discussion against employee.	PA, WP
433. SEC-MC0302266	SEC-MC0302266	7/7/2008 Supervisor				Email regarding telephone conversation with trial counsel handling HO-10576 regarding conduct of employee not involved in HO-10576 investigation. Includes disciplinary action discussion against employee.	PA, WP
434. SEC-MC0302219	SEC-MC0302219	7/8/2008 Supervisor	Senior Enforcement Officer	Supervisors	Supervisors	Email attaching internal report dated 7/7/2008 regarding conduct of employee not involved in HO-10576 investigation, includes disciplinary action discussion against employee.	PA, WP
435. SEC-MC0301514	SEC-MC0301514	7/17/2008 Supervisor	O'Rourke, Kevin		Employee Supervisors	Email string attaching memorandum describing handling of litigation hold notice sent to employee in Regional Office, including discussion of disciplinary action against employee.	PA, WP
436. SEC-MC0301515	SEC-MC0301580	7/17/2008 Supervisor	O'Rourke, Kevin		Employee Supervisors	Memorandum with attachments describing handling of litigation hold notice for HO-10576 sent to employee, including discussion of disciplinary action against employee attached to SEC-MC0301514.	PA, WP

Number	Case Number	Date	Employee	Title	Location	Notes	Attorneys	DP	LE	WP	PRIVILEGE	REASON
493	SEC-MC0302511	11/17/2008	Nester, John J.	Callahan, Kevin J.	Enforcement Division nationwide		Friestad, Scott; Kaplan, Robert; Blewe, Julie; Thorsen, Linda				Draft press statement, prepared by J. Nester for responding to inquiries regarding actions of employee not involved in HO-10576 and Mark Cuban investigation. Includes disciplinary action issued against employee. Attached to SEC-MC0302516.	PA, DP, WP
502	SEC-MC0302583	11/21/2008	Thorsen, Linda								Redacting information and internal discussion of SEC cases not responsive to pending discovery.	PA, DP, WP
503	SEC-MC0302295	4/7/2009	Supervisor								Compilation of Exhibits to the draft Office Memorandum from Supervisor to employee not involved in HO-10576 investigation dated April 2009 regarding proposed employee action, which is being forwarded to Supervisor, includes disciplinary action discussion still in employee.	PA, DP, LE
509	SEC-MC0302209	10/6/2009	Norris, J.	Humes, Richard M.; Stillman, Jacob H.; Tief, N.; Ellen			Krodash, Stephen J.; Krodash, Stephen J.	Supervisor			Email from former SEC employee to SEC Solicitor and Associate General Counsel providing information with respect to communication with Mark Cuban, with reference disciplinary action	PA, DP, LE
											Yes	PA.

Hard Copy Log

SEC v. Cuban 04-19-2010 Production - Hard Copy PA Privilege Log

INDEX NUMBER	BEGPROD	ENDPROD	DATE	AUTHOR	RECIPIENT	CC:	DESCRIPTION OF DOCUMENT/REDACTION	PRIVILEGE REDACTION
35	SEC-MC0200366	SEC-MC0200371	2007.08.22	Friestad, S.W.	Ruiz, D.T.		Passport and frequent flier numbers protected by Privacy Act; Identity of Interviewees in HO-10576 protected by work product	PA, WP Yes
64	SEC-MC02011698	SEC-MC0201701	2008.06.18	OIG Attorney	Supervisor		Draft memorandum regarding discipline of employee not involved in HO-10576, with handwritten notes	PA
65	SEC-MC0201702	SEC-MC0201706	2008.06.30	Supervisors	SEC Manager		Counsel's memorandum re: proposed employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP, WP
66	SEC-MC0201707	SEC-MC0201711	2008.07.01	Supervisors	File		Counsels draft memorandum re: employee action with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP, WP
67	SEC-MC0201712	SEC-MC0201715	2008.10.00	Supervisors	File		Counsel's draft Letter of Suspension/Termination with respect to employee not involved in HO-10576, includes disciplinary action discussion against employee	PA, DP
76	SEC-MC0201619	SEC-MC0201697	2009.01.00	Supervisor	Co-supervisors		Attachments to draft proposed employee discipline regarding employee not involved in HO-10576, includes disciplinary action discussion against employee and discussions of Commission investigations, attached to SEC-MC0201613	PA, DP, WP
77	SEC-MC0201613	SEC-MC0201618	2009.01.00	Supervisor	Co-supervisors		Draft memorandum regarding discipline of employee not involved in HO-10576 (with exhibits, some of which contain discussions of Commission investigations)	PA, DP, WP

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Exhibit A-6

Privilege Log:

SEC Glossary of Names

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name	Position	
Aderton, Adam	Staff Attorney, Division of Enforcement	
Adler, Mark	Deputy Chief Litigation Counsel, Division of Enforcement	
Aguilar, Luis	SEC Commissioner	
Akins, Carline M.	Writer-Editor, Office of Public Affairs	
Arevalo, Alberto	Assistant Director/Attorney, Office of Assistant Director, Enforcement - Office of International Affairs	
Balducchi, Deborah K.	EEO Director, Office of Equal Employment Opportunity	
Beatty, John T.	Staff Attorney, Office of International Affairs	
Bondi, Bradley J.	Legal Assistant/Counsel to Commissioner Paredes	
Brennan, Blaise F.	Legal Assistant/Counsel to Commissioner Aguilar	
Bresnan, Peter H.	Deputy Director/Attorney, Division of Enforcement	
Broadbent, Christian	Legal Assistant/Counsel to Commissioner Walter	
Brockmeyer, Kara N.	Assistant Director/Attorney, Division of Enforcement	
Buford, Charlotte L.	Assistant Chief Counsel, Office of Chief Counsel, Division of Enforcement	
Burns, James R.	Legal Assistant/Counsel to Commissioner Casey	
Calande, Pauline	Counsel to the Director and Deputy Directors, Division of Enforcement	
Callahan, Kevin J.	Media Advisor, Office of Public Affairs	
Cartwright, Brian G.	Office of General Counsel	
Casey, Kathleen L.	SEC Commissioner	
Chaudoin, Daniel T.	Assistant Director/Attorney, Division of Enforcement	
Chion, Antonia	Associate Director/Attorney, Division of Enforcement	
Christ, Mary	Division of Trading and Markets	
Clarkson, James A.	Regional Officer Director, Division of Enforcement	
Coe, Michael	Legal Assistant/Counsel to Commissioner Aguilar	
Cohen, Alexander F.	Office of Chairman Cox	
Cohen, Stephen	Legal Assistant/Senior Advisor to the Chairman	
Cox, Christopher	Chairman	
Curtis, George	Deputy Director, Division of Enforcement	
Daigler, Matthew A.	Division of Trading and Markets	
Daly, Justin D.	Legal Assistant/Counsel to Commissioner Casey	
Davis, Bettie	Confidential Assistant to Commissioner Casey	
Day, Carnice	Division of Enforcement	
Delfin, Ricardo	Legal Assistant/Special Counsel to the Chairman	
DeVine, Stephen W.	Legal Assistant/Senior Advisor to the Chairman	
Dimitrious, David R.	Office of Chairman Cox	
Doty, Nancy	Assistant Chief Counsel, Division of Enforcement	
Eastman, James L.	Associate Director/Chief Counsel, Division of Trading and Markets	
Edgar, David	Staff Accountant, Division of Corporation Finance	
Edmundson, James K.	Assistant Regional Director, Division of Enforcement (Ft. Worth Regional Office)	
Faragasso, Gregory G.	Assistant Director, Division of Enforcement	
Freeman, Sharon K.	Office of the Chairman/Commissioners	
Friestad, Scott W.	Associate Director, Division of Enforcement	
Frohlich, David	Assistant Director, Division of Enforcement	
Gallagher, Dan Jr.	Office of Chairman Cox	

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name	Position	
Gallagher, Mary K.	Confidential Assistant to Commissioner Walter	
Galloway, Toby M.	Trial Counsel, Division of Enforcement (Ft. Worth Regional Office)	
Gillette, Veronica L.	Administrative Contact, Office of the Secretary	
Griffin, Alvonya	Office of the Secretary	
Halloran, Michael J.	Deputy Chief of Staff/Counselor to Chairman Cox	
Harley, Paul	Chief Accountant, Office of Chief Accountant, Division of Enforcement	
Harmon, Florence E.	Deputy Secretary, Office of the Secretary	
Heine, John D.	Deputy Director, Office of Public Affairs	
Hotmire, Erik J.	Staff Attorney, Division of Enforcement; Senior Advisor/Attorney, Office of Public Affairs	
Hsu, David	Office of the Chairman/Commissioners	
Humes, Richard A.	Associate General Counsel for Litigation and Administrative Practice, Office of General Counsel	
Jessen, Dawn	Legal Assistant/Counsel to Commissioner Paredes	
Johnson, Brian	Program Manager	
Jones, C. Hunter	Assistant Director, Office of Regulatory Policy Division of Investment Management	
Jones, Clivette T.	Program Analyst, Office of Assistant Director, Enforcement - Office of International Affairs	
Kaplan, Robert B.	Assistant Director/Attorney, Division of Enforcement	
Kaput, Jim L.	Office of the Chairman/Commissioners	
Kelley, Anne-Marie	Legislative Specialist, Office of Legislative and Intergovernmental Affairs	
Kimpel, Scott H.	Legal Assistant/Counsel to Commissioner Paredes	
Koch, Alexander M.	Branch Chief/Attorney, Division of Enforcement	
Konick, Jule	Confidential Assistant to Commissioner Paredes	
Korotash, Stephen J.	Associate Regional Director/Attorney, Office of Associate Regional Director, Division of Enforcement (Ft. Worth Regional Office)	
Kosterlitz, Mary	Office Chief, Office of Enforcement Liaison, Division of Corporation Finance	
Levine, Richard M.	Associate of General Counsel for Enforcement Matters, Office of General Counsel	
Loesch, Michael L.	Legal Assistant/Counsel to Chairman Cox	
May Zachary	Legal Assistant/Counsel to Commissioner Aguilar	
McCants, Shirlie	Research Assistant, Office of Chief Counsel, Division of Enforcement	
McGarey, Timothy	Special Trial Counsel, Office of General Counsel	
McHugh, Jennifer B.	Legal Assistant/Senior Advisor to the Chairman	
McKown, Joan E.	Chief Counsel, Office of Chief Counsel, Division of Enforcement	
Medina, Frank	Office of International Affairs	
Mejia, Lou R.	Chief Litigation Counsel, Division of Enforcement	
Mills, Barbara	Administrative Contact, Office of Human Resources; Secretary to Halloran, Michael J.	
Murphy, Elizabeth	Secretary, Office of the Secretary	
Nagesh, Ammani V.	Confidential Assistant to the Chairman	

Mark Cuban EAJA Privilege Log - Glossary of Names		
Name	Position	
Nester, John J.	Director, Office of Public Affairs	
Norman, Donna K.	Counsel to the Director and Deputy Directors, Division of Enforcement	
Norris, Jeffrey	Senior Trial Counsel, Division of Enforcement (Ft. Worth Regional Office)	
Olson, Marianne B.	Office of International Affairs; Division of Enforcement	
Pare, Candyce D.	Secretary, Division of Enforcement	
Paredes, Troy A.	SEC Commissioner	
Peterson, Jill M.	Assistant Secretary, Office of the Secretary	
Pisto, Lawrence	Staff Attorney, Division of Enforcement	
Post, Michael L.	Senior Litigation Counsel, Office of General Counsel	
Ramarathnam, Smeeta	Legal Assistant/Counsel to Commissioner Aguilar	
Reed, Matthew P.	Accountant, Division of Enforcement	
Ricciardi, Walter	Deputy Director, Division of Enforcement	
Riewe, Julie R.	Staff Attorney/Branch Chief, Division of Enforcement	
Rodriguez, Hoang Mai (Cyndi)	Legal Assistant/Counsel to Commissioner Walter	
Romero, Rose	Regional Director, Division of Enforcement (Ft. Worth Regional Office)	
Ruiz, Diego T.	Executive Director, Office of the Executive Director	
Schulz, William T.	Legislative Specialist, Office of Legislative and Intergovernmental Affairs; Office of International Affairs	
Sheppard, Lesli	Legal Assistant/Counsel to Commissioner Walter	
Shute, Brian	Accountant, Office of the Chief Accountant, Division of Enforcement	
Sporkin, Thomas A.	Deputy Chief, Office of Internet Enforcement, Division of Enforcement	
Stachnik, Walter J.	Inspector General	
Strada, Matthew	Legal Assistant/Counsel to the Chairman	
Thomsen, Linda A.	Director of Enforcement/Attorney, Division of Enforcement	
Turner, Alton	Staff Attorney, Division of Enforcement	
Uhlmann, Peter M.	Chief of Staff, Office of Chairman Cox	
Ungar, Michael A.	Branch Chief/Attorney, Division of Enforcement	
Uyeda, Mark T.	Assistant Director/Attorney, Office of Disclosure Regulation, Division of Investment Management	
Vaughan, Linda	Administrative Contact/IT Specialist, Office of the Chairman	
Vollmer, Andrew	Deputy General Counsel	
Walter, Ellise	SEC Commissioner	
Weinstein, Andrew	Office of Chairman Cox	
Wheat, John M. (Marc)	Legal Assistant/Counsel to Commissioner Casey	
Wilkinson, Paul	Legal Assistant/Senior Advisor to the Chairman	
Williams, Ida M.	Records Custodian (Sunshine Act), Office of the Secretary	
Workie, Haimera	Legal Assistant/Counsel to the Chairman	
Zelinsky, Yuri B.	Assistant Director/Attorney, Division of Enforcement	

Exhibit B-1

SEC Declaration:

Declaration of Elizabeth Murphy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

Civil Action No. 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant,

DECLARATION OF ELIZABETH MURPHY

I, Elizabeth Murphy, declare under penalty of perjury, in accordance with 28 U.S.C. §1746, that:

1. I am Secretary of the United States Securities and Exchange Commission (“Commission”).
2. On March 12, 2007, the Commission entered a formal order directing the staff to commence a formal investigation of potential insider trading by Mark Cuban in In the Matter of Mamma.com Transactions Trading in the Securities of Such Issuers, HO-10576. On November 13, 2008, in connection with Mamma.com investigation, the Commission authorized the staff to commence a civil injunction action in federal district court against Mark Cuban.
3. On March 9, 2010, the Commission, through its General Counsel, to whom it has delegated the authority, and who after giving personal consideration to the matter, determined, on

behalf of the Commission, to assert a claim of governmental deliberative process privilege over the following categories of documents in the Commission's files relating to the investigation:

- Drafts and final versions of Action Memoranda containing recommendations to the Commission;
- Draft formal orders prepared for Commission consideration;
- Drafts and final versions of memoranda prepared by the Office of General Counsel for consideration by the Commission;
- The official Commission record of Commission deliberations and decision-making on staff recommendations, including tape recordings of Executive Session meetings of the Commission and the Minutes of those meetings;
- Emails, notes, memoranda, or other records reflecting the thoughts, opinions, evaluations, legal analysis, discussions and/or deliberations among Commission staff in preparing recommendations for consideration by the Commission or by Commissioners or Commission senior officers acting on behalf of the Commission;
- Emails, notes, memoranda, or other records reflecting the thoughts, opinions, evaluations, legal analysis, discussions and/or deliberations among Commission staff recommending disciplinary action against Commission employees;
- Periodic reports prepared for senior officers, identifying legal and evidentiary issues and strategy recommendations with respect to investigations under their supervision as part of ongoing internal deliberations about the handling of specific matters, the progress of enforcement initiatives, and/or the development of Commission priorities.
- Drafts reflecting internal deliberations of Commission staff on Commission public statements, such as press and litigation releases;

4. The deliberative process privilege is being asserted as to the categories of documents

listed above because they contain intra-agency communications, including advice, evaluations, opinions, and recommendations of the legal staff of the Commission which pre-date determinations of the Commission and its staff regarding the investigation and proposed civil enforcement of Mark Cuban's sale of Mamma.com stock.

5. The Commission is of the opinion that the production of the deliberative process materials would have an inhibiting effect upon the fullness and frankness of written expression among the Commission and its staff members and thus would have a detrimental effect on the Commission's decision-making processes.

6. On March 9, 2010, the Commission, through its General Counsel, to whom it has delegated the authority, and who after giving personal consideration to the matter, determined, on behalf of the Commission, to assert a claim of law enforcement over the following categories of documents in the Commission's files relating to the investigation:

- Information which would disclose the identity of third-parties who have provided information to the Commission about suspected violations of the securities laws or other matters within the Commission's regulatory jurisdiction;
- Inter-agency communications with other regulatory bodies relating to ongoing investigations;
- Reports by Commission staff relating to investigations not relevant to the Commission's insider trading action against Mark Cuban

7. The law enforcement privilege is being asserted as to these documents because they contain law enforcement investigatory materials, identify investigatory techniques, and sources, the production of which could impair the Commission's enforcement efforts in ongoing or future matters by revealing, among other things, evidence that the staff has obtained or is seeking, issues and matters that the staff considers important, the Commission's strategy for investigations and possible litigation.

I declare under penalty of perjury under laws of the United States of America that the foregoing statements are true to the best of my knowledge.

Executed this 19th day of April, 2010 at Washington, D.C.


Elizabeth Murphy
Secretary of the U.S. Securities and
Exchange Commission

Exhibit B-2

SEC Declaration:

Declaration of Robert B. Kaplan

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Civil Action No.: 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant.

DECLARATION OF ROBERT B. KAPLAN

I, Robert B. Kaplan, hereby declare, under penalty of perjury, in accordance with 28 U.S.C. 1746, as follows:

1. I am over 18 years of age and am currently employed as the Co-Chief of the Division of Enforcement's Asset Management Unit at the Securities and Exchange Commission ("Commission"), 100 F. Street, N.E., Washington, D.C. I have been employed by the Commission for 14 years. I am an attorney admitted to practice law in the State of New York as well as a number of federal courts.
2. During the time period relevant to this case, I was an Assistant Director in the Division of Enforcement and, among other things, was responsible for supervising the HO-10576 investigation from its initiation in early December 2006 through the filing of this action in federal court. I make the following statements based upon my personal knowledge and

upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable. I make this declaration in support of the Commission's Opposition to Mark Cuban's Motion to Compel.

3. I have reviewed Exhibit A attached to the SEC's April 19, 2010 Memorandum in Opposition to Mark Cuban's Motion to Compel. I have reviewed the privilege log entries and the associated documents which are referenced in this declaration. To assist the Court in evaluating the SEC's claims of deliberative process and law enforcement privilege, I have identified below log entries which are examples of the types of documents which are subject to this declaration. My failure to identify any particular log entry or document should not be treated as a waiver of any privilege claim.
4. In early December 2006, in the process of conducting an investigation, a staff attorney in the Division of Enforcement within my group discovered a document questioning whether Mark Cuban had violated the securities laws by selling his shares of Mamma.com just before it announced its PIPE offering in June 2004. That staff attorney notified me of her discovery and we initiated an informal investigation, HO-10576.
5. In early 2007, based on testimony and evidence gathered, staff working on the HO-10576 investigation began working on an Action Memorandum ("First Action Memorandum"). This First Action Memorandum contains Enforcement staff's analysis of the evidence and legal issues to support its recommendation that the Commission issue a formal order of investigation. Drafts of the First Action Memorandum and the proposed formal order were shared and discussed among members of the HO-10576 investigation team. *See*,

e.g., Electronic Privilege Log Items 25-27, 29, 44-45. These documents reflect the internal give-and-take discussions and deliberations among Enforcement staff in preparing a recommendation for Commission decision.

6. The First Action Memorandum was shared with counsel in the SEC's Office of General Counsel (who serve as counsel to the Commission) in draft form for the purpose of obtaining their comments and advice on the Enforcement staff's analysis of the facts and law. *See, e.g.*, Electronic Privilege Log Items 37-38, 40, 48-49. As reflected in the log, counsel in the Office of General Counsel provided their perspective on the issues presented which were in turn considered by Enforcement staff and incorporated into the final First Action Memorandum.
7. The Commission met in Executive Session on March 12, 2007, considered the staff recommendation, and issued a formal order of investigation in HO-10576.
8. In May 2007, my supervisor, Scott Friestad, communicated with Peter Bresnan, Deputy Director of the Division of Enforcement, and Linda Thomsen, Director of the Division of Enforcement, to obtain approval for making a Wells call to Mark Cuban. *See* Electronic Log Items 95-97.
9. In July 2007, the HO-10576 team prepared memoranda to advise the Director of the Division of Enforcement on the evidence and obtained the legal and factual issues raised by Mark Cuban's Wells submission. *See, e.g.*, Hard Copy Log Items 21-22. Our purpose was to inform the Director of Enforcement about the legal and factual issues in the investigation so that the Director could make the decision whether to support a

recommendation to the Commission to authorize the filing of a civil action against Mark Cuban.

10. In the early summer of 2007, Enforcement staff began drafting an Action Memorandum ("Second Action Memorandum") recommending that the Commission authorize the filing of an insider trading action against Mark Cuban. *See, e.g.*, Hard Copy Log Item 15. Work on the Second Action Memorandum proceeded sporadically as the investigation continued. *See, e.g.*, Electronic Log items 151, 152; Hard Copy Log Items 47, 49, 51. The privilege log identifies numerous drafts and emails among the Enforcement staff on HO-10576 between August and the end of December 2007 which reflect active deliberation, evaluations of the law and evidence, the perspectives of members of the team on various issues raised in the investigation as well as overall strategic considerations. In both drafts of and in the final Second Action Memorandum, the HO-10576 team presented their views on the relevant facts, evidence and legal issues to the Commission to assist it in making a decision with respect to Enforcement staff's recommendation.
11. On December 31, 2007, the Enforcement staff forwarded the Second Action Memorandum to the Commissioners, their staff, certain senior Enforcement officers and to the Office of General Counsel for consideration. *See, e.g.*, Electronic Log Items 267, 442-43. Attorneys in the Commission's Office of General Counsel have responsibility for providing their independent advice to the Commissioners on action memoranda recommending Commission actions.
12. On September 21, 2007, in conjunction with Cuban's second Wells submission, Cuban's

counsel sent a letter to Scott Friestad, Associate Director of the Division of Enforcement, alleging that an SEC employee "subjected Mr. Cuban to a series of astonishing and threatening emails, some of which also appear to have been shared with Chairman Cox." Scott Friestad promptly informed Cuban's counsel by letter that the referenced individual had played no role whatsoever in the HO-10576 investigation. Because the referenced individual had forwarded some of his email correspondence with Mark Cuban to Chairman Cox, I assisted Linda Thomsen, Director of the Division of Enforcement, in preparing a chronology of the HO-10576 investigation and the communications between the referenced individual and Mark Cuban. *See, e.g.*, Electronic Log Items 277, 281-285, 291. Drafts were provided to senior Enforcement officers for their consideration and input. The final memorandum was provided to Chairman Cox and his staff in late January and early February 2008. *See, e.g.*, Electronic Log Items 292-293. In early February, I forwarded a version of the memorandum to Matthew Reed, counsel for Commissioner Casey. *See* Electronic Log Items 346-47. I am aware that staff within the Office of the Chairman deliberated concerning the referenced employee's actions. *See, e.g.* Electronic Log Items 335-336.

13. Subsequent to receiving this memorandum, Chairman Cox recused himself from Commission deliberations with respect to the December 31, 2007 Second Action Memorandum recommending that the Commission authorize filing a civil action for insider trading against Mark Cuban.

14. In anticipation of a Commission decision on the December 31, 2007 Action

Memorandum, the HO-10576 staff began drafting a proposed litigation release and press release to be issued by the Commission if and when it authorized filing an action against Mark Cuban. *See, e.g.* Electronic Log Items 271-72, 370-71. For instance, the draft press release was discussed with and revised by senior officers and the Director of the Office of Public Affairs in preparation of the Commission's official public statement on its decision to bring this action. *See, e.g.* Electronic Log Items 486-487, 489-493.

15. Prior to the Executive Session Commission meeting, the Commissioners and their legal staff were provided a copy of the Second Action Memorandum, both Wells submissions made on behalf of Mark Cuban, and other materials to assist them in their deliberations. *See, e.g.*, Hard Copy Log Items 72-73.
16. In preparation for the Executive Session Commission meeting to discuss the Second Action memorandum with the four remaining Commissioners, members of the HO-10576 team prepared to present our recommendation to the Commissioners and respond to any questions posed by the Commissioners. *See, e.g.*, Electronic Log Items 452-456, 459, 471-473 and Hard Copy Log Items 68-69.
17. On November 13, 2008, four Commissioners, the Enforcement staff working on HO-10576, representatives from the Office of General Counsel, certain senior Commission officers, and a limited number of other necessary staff met in Executive Session to address the staff's recommendation to bring an insider trading case against Mark Cuban. During that Executive Session, Enforcement staff and the Commissioners discussed legal, factual and other issues related to the staff's recommendation. I was present and

participated in deliberations, which are captured in the tape recording and minutes of that session. *See, Hard Copy Log Items 74-75*

18. The documents relating to the HO-10576 investigation – whether covered by the attorney-client privilege, work product protection, deliberative process privilege, or any other privilege or protection -- were treated confidentially within the agency. Our approach was to limit distribution of documents relating to the HO-10576 investigation to:

- the Enforcement team,
- their supervisors,
- other staff who assisted in facilitating the investigation,
- staff who participated in the review of recommendations submitted to the Commission, including individuals in the Office of General Counsel responsible for providing legal advice to the Commissioners, other SEC staff who assist the Commissioners, and the Commissioners' own staff, and
- the Commissioners.

19. In order to prevent any inadvertent pre-decisional disclosure of the HO-10576 investigation and protect Mark Cuban from unwonted adverse publicity, the Commission considered both the First and Second Action Memoranda in Executive Session instead of the typical Closed Commission meeting which all SEC staff may attend. An Executive Session is generally restricted to only those Commission personnel with a legitimate need to know about the matters being deliberated and decided by the Commission.

20. With respect to the December 31, 2007 Second Action Memorandum, the pre-decisional

deliberative process did not conclude until the end of the November 13, 2008 Executive Session, at which time the four participating Commissioners unanimously decided to authorize the filing of a civil action against Mark Cuban for insider trading.

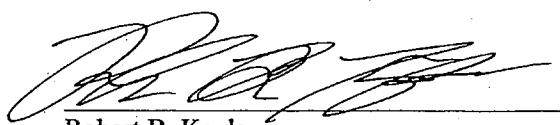
21. During the relevant time period in the Division of Enforcement, branch chiefs, Assistant Directors and Associate Directors were required to prepare periodic reports to their supervisors discussing the ongoing investigations under their supervision and identifying legal and evidentiary issues and strategy recommendations with respect to those investigations. For example, Electronic Log Item 236 is a memorandum from my supervisor, Associate Director, Scott Friestad, to the Director of the Division and her staff reporting on pending investigations. These memoranda contain the thoughts, impressions, evaluations, and strategic considerations of Enforcement attorneys and are part of our ongoing internal deliberations used to assist senior officers in making decisions on the handling of specific matters, evaluating the progress of enforcement initiatives, and the development of Commission priorities.

22. I have reviewed Electronic Privilege Log Item 22, which is an email forwarded to Enforcement relating a tip received from a third party source. *See Exhibit A-4.* Only the identity of the tipper and transmitting parties have been redacted. As the document itself shows, the tip was not related to the ongoing HO-10576 investigation and therefore disclosure of the identity of the tipper and transmitting parties serves no useful purpose in this litigation. The disclosure of the identity of those providing tips on possible securities violations would harm the public interest by making persons with information of potential

securities violations unwilling to provide information to SEC.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 19, 2010.



Robert B. Kaplan
Co-Chief, Asset Management Unit
Division of Enforcement
Securities and Exchange Commission

Exhibit B-3

SEC Declaration:

Declaration of Yuri B. Zelinsky

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Civil Action No.: 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant.

DECLARATION OF YURI B. ZELINSKY

I, Yuri B. Zelinsky, hereby declare, under penalty of perjury, in accordance with 28 U.S.C. § 1746, as follows:

1. I am currently an Assistant Director in the Division of Enforcement at the Securities and Exchange Commission (“Commission”), 100 F Street, N.E., Washington, D.C. I am admitted to practice before the Court of Appeals of Maryland.
2. I served as an Assistant Director during the time period relevant to this case. Among other things, I was responsible for supervising the HO-09900 investigation from its initiation in March 2004. I make the following statements based upon my personal knowledge and upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable. I make this declaration in support of the Commission’s Opposition to Mark Cuban’s Motion to Compel.

3. I have reviewed the privilege log entries listed on Exhibit A attached to the Commission's April 19, 2010 Memorandum in Opposition to Mark Cuban's Motion to Compel that are cited herein. I am familiar with the documents that they describe and the events that they reflect.
4. HO-09900 was opened in March 2004 to determine whether the dramatic price and volume spikes in Mamma.com's stock following the issuance of a March 1, 2004 press release were the result of market manipulation, and whether the March 1 press release contained false and misleading financial information. Ultimately, a decision was made not to recommend an enforcement action after the investigation did not find sufficient evidence of such manipulation or of Mamma.com having misrepresented its fiscal 2003 financial results in the March 1, 2004 press release or in its filings with the Commission. By October 17, 2006, the Enforcement staff assigned to HO-09900 stated that they were "plan[ning] on closing the matter." See SEC MC-0300136-40. The final decision not to recommend any enforcement action arising out of HO-09900 was made by Antonia Chion (Associate Director, Division of Enforcement) in late August-early September 2007. Counsel for Mamma.com was informed of this decision in a letter dated September 19, 2007.
5. Two of the documents listed on Exhibit A (SEC-MC0300654 and SEC-MC0300651-653) are documents that relate to an Information Request received by the Commission on November 1, 2007 from the Market Regulation Department of FINRA (the Financial Industry Regulatory Authority). The request sought information from the Commission regarding contacts between Commission staff members and Copernic, Inc. (or its representatives)

between July 2, 2007 and September 25, 2007. I was provided a copy of this letter by Timothy McGarey, an attorney in the Commission's Office of General Counsel. At his request, I reviewed my files in order to assist his preparation of a timeline to be provided to FINRA in response to the information request. I was assisted in this by Alton Turner, an attorney in the Division of Enforcement who was assigned to the HO-09900 matter. SEC-MC0300654 is a January 22, 2008 email forwarded to me by Mr. McGarey in which he requests that I review a draft of a letter that the Office of General Counsel intended to forward to FINRA in response to the information request. I have been advised by attorneys within the Office of General Counsel who oversaw the retrieval of these documents that SEC-MC0300651-653, a draft response letter from Mr. McGarey to FINRA, was the version of that draft response letter that was attached to SEC-MC0300654, Mr. McGarey's email to me. This draft response letter reflects the timeline Mr. McGarey prepared with the assistance of Mr. Turner and me on behalf of the Commission for submission to FINRA.

6. Several of the documents listed on Exhibit A (including SEC-MC0300609, SEC-MC0300610-612, SEC-MC0300613, SEC-MC0300614-616, SEC-MC0300617-619, SEC-MC0300621-623, and SEC-MC0300648-650) relate to the drafting of a closing memorandum for HO-09900. SEC-MC0300613 is an August 14, 2009 email from Alton Turner to Alexander Koch (with a copy to Paul Harley, another staff member who worked on HO-09900) forwarding an attached copy of a draft version of a closing memo. I have been advised by attorneys within the Office of General Counsel who oversaw the retrieval of these documents that SEC-MC0300614-616, a redlined draft version of the closing memo

reflecting the comments of members of the staff assigned to HO-09900, was the version of the draft closing memo attached to the August 14 email. SEC-MC0300617-619 and SEC-MC0300648-650 are other undated redlined draft versions of the closing memo, and SEC-MC0300621-623 is another undated draft version. SEC-MC0300609 is an August 19, 2009 email from Alton Turner to myself (with a copy to Alexander Koch and Paul Harley) forwarding an attached revised draft version of the closing memorandum. I have been similarly advised that SEC-MC0300610-612 was the version of the draft closing memo attached to the August 19 email. Collectively, these materials are deliberative in that they reflect the staff's thoughts, evaluations, and discussions concerning the decision to close HO-09900.

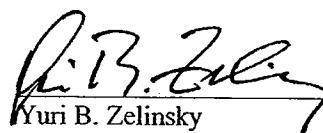
7. Certain of the documents listed on Exhibit A (e.g., SEC-MC0300136-140, SEC-MC0301884-888 and SEC-MC0301918-920) are copies of internal Commission quarterly reports prepared to summarize the status of ongoing investigations being handled within the Division of Enforcement. References to all cases other than to Mamma.com have been redacted in order to prevent the disclosure of information regarding other matters under investigation. The Commission has a duty to safeguard the privacy interests of the entities and individuals which are the subject of these Commission investigations, all of which are completely unrelated to Mr. Cuban's motion.
8. The document stamped SEC-MC0300656 reflects an internal Commission email exchange between me and another Commission staff member discussing an appropriate response to an inquiry received from a reporter regarding HO-09900. The contents of this email are

deliberative in nature and discuss Commission procedures for handling information requests relating to open investigations.

9. The document stamped SEC-MC0300945-947 reflects emails exchanged between Alton Turner and a "tippee" who supplied information to Mr. Turner about Mamma.com. The final email reflects the fact that Mr. Turner forwarded his email exchange to me and to Kara Brockmeyer on October 26, 2005 for informational purposes. Disclosing the identity of a tipper and transmitting parties, and the information forwarded, serves no useful purpose in this litigation. Absent extraordinary circumstances, the disclosure of the identity of those providing tips of possible securities violations, and disclosure of the information provided, would harm the public interest by making persons with information of potential securities violations less willing to provide information to the Commission

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 19, 2010.



Yuri B. Zelinsky
Assistant Director
Division of Enforcement
Securities and Exchange Commission

Exhibit B-4

SEC Declaration

Declaration of Stephen J. Korotash

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Civil Action No.: 3-08-CV-2050-D (SAF)

MARK CUBAN,

Defendant.

DECLARATION OF STEPHEN J. KOROTASH

I, Stephen J. Korotash, hereby declare, under penalty of perjury, in accordance with 28 U.S.C. 1746, state as follows:

1. I am employed as the Associate Regional Director, Enforcement, for the Fort Worth Regional Office (“FWRO”) of the Securities and Exchange Commission (“Commission”). In that capacity I supervise the office’s enforcement activities
2. I had no involvement in investigation HO-10576, which was being conducted by Division of Enforcement staff in the Commission’s Washington, D.C., headquarters. I make the following statements based upon my personal knowledge. I make this declaration in support of the Commission’s Opposition to Mark Cuban’s Motion to Compel.
3. Documents SEC-MC0201702/06 and SEC-MC0201707/11 are a draft and a final version of an internal memorandum regarding personnel issues concerning a Fort Worth SEC

employee and their possible effect upon HO-10576 and any resulting Enforcement action.

The memorandum was prepared to inform senior Enforcement officials as part of their deliberations on how to address both items.

4. Document SEC-MC0201712/15 is a draft memorandum concerning a possible proposed personnel action. One paragraph deals with issues relating to Cuban. The remainder of the memorandum concerns personnel issues unrelated to Cuban. This document was drafted as part of FWRO management deliberations as to possible personnel action.
5. Document SEC-MC0302288/374 is a memorandum concerning a proposed personnel action, with attachments. One paragraph of the memorandum deals with issues relating to Cuban. The remainder of the memorandum, and most of the attachments, concern personnel issues unrelated to Cuban. Also, two attachments to the memorandum, concerning an issue unrelated to Cuban, contain information concerning a law enforcement investigation the release of which would disclose that investigation, and which would reveal law enforcement techniques and procedures..

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Executed on April 6, 2010.

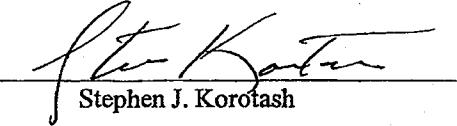

Stephen J. Korotash

Exhibit C-1

Document:

MCSEC0002034-35

Unknown

From: Clark, Christopher J.
Sent: Monday, November 17, 2008 1:37 PM
To: 'kara.scannell@wsj.com'
Subject: On Background

This is the full text of one of the emails, I wanted to make sure you had it.,

-----Original Message-----

From: [REDACTED]
Sent: Saturday, May 05, 2007 2:27 PM
To: Mark Cuban
Cc: Cox, Christopher
Subject: RE: "Lose Change"

I AM SHARING THIS WITH CHAIRMAN COX. NEITHER HE NOR THE COMMISSION ENDORSE
MY OPINIONS, BUT IN LIGHT OF YOUR THREAT, I THOUGHT SHOULD SEND THIS TO HIM.

Mark:

If this upsets you, I wonder how George Bush feels. I assume that Mr. Cox
would view your involvement with "Loose Change" much as I do. After all, he
served his country as a Republican Congressman from Orange County for nearly
20 years and was appointed by President Bush. If you feel like sharing my
thoughts with Chairman Cox, be my guest.

Previously, I thought you were merely foolish and naïve. Now, however, I
see that you are also a hypocrite. I guess your belief in free speech has
severe limitations. If someone else is the victim of an absurd conspiracy
theory, you defend your right to participate in smearing the good name of of

2/19/2010

CONFIDENTIAL

MCSEC0002034

a patriot like President Bush. But, when you are the subject of a parody of the attack you have endorsed, you suddenly issue threats.

I think I will e-mail this to Chairman Cox myself. I think he will enjoy it. I'm sure he is also a Laker fan.

Since Chairman Cox may not know the background, I will explain. Mark Cuban is the owner of the Dallas Mavericks and has participated in distributing the vicious and absurd documentary, "Loose Change," which posits that President Bush planned the demolition of the World Trade Center as a pretext for going to war against Iraq. We have had some past exchanges about my opinion the Mr. Cuban's support for this project is irresponsible and immoral. Below, I parodied his position that every opinion, no matter how absurd and vicious, deserves to be broadly disseminated.

2/19/2010

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Exhibit C-2

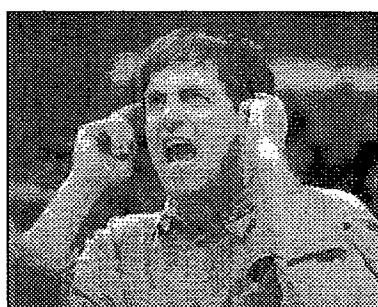
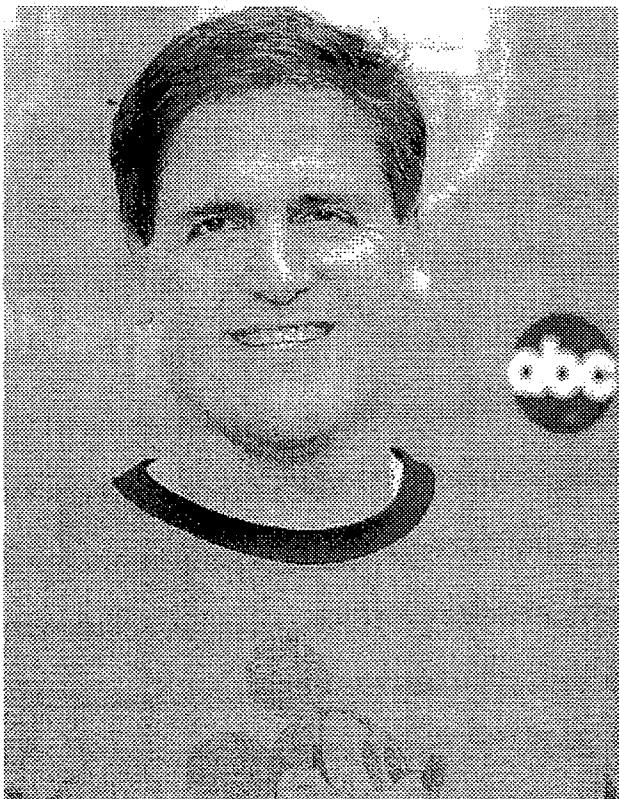
SEC Document:

SEC-MC0302501-04

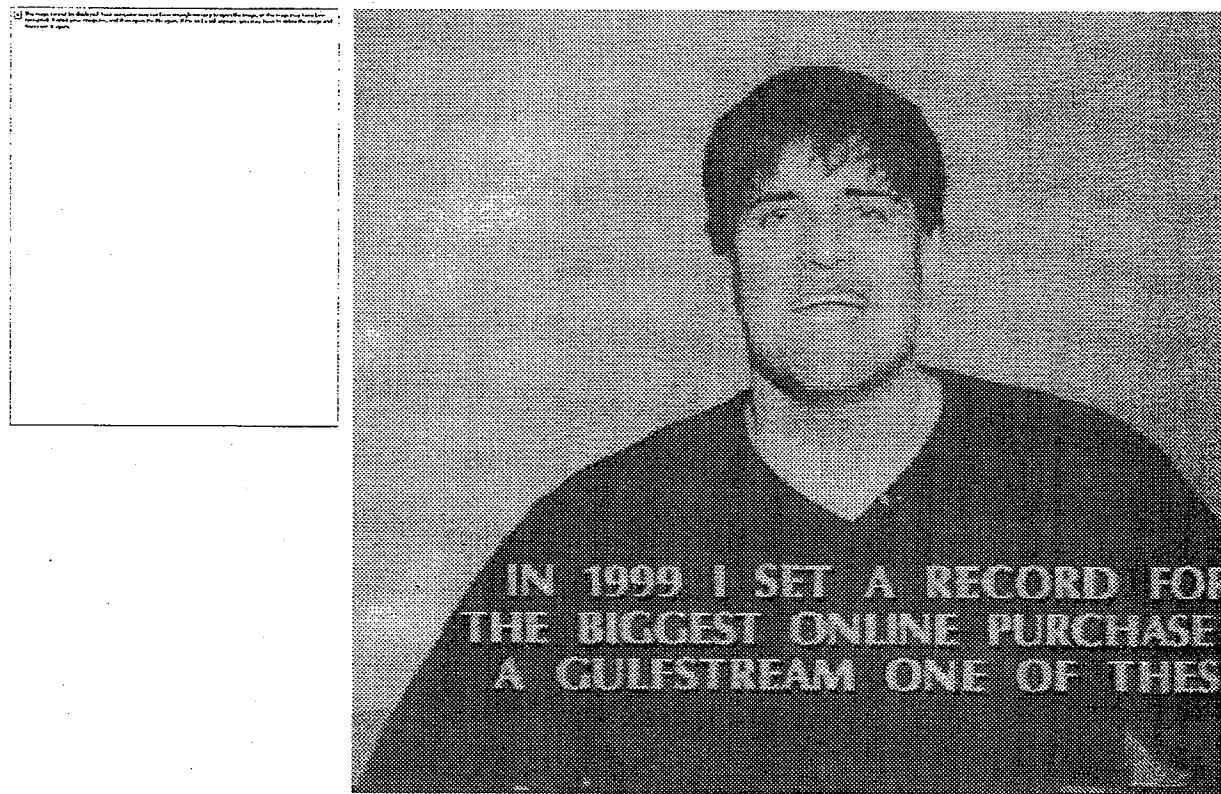
From: McKown, Joan <McKownJ@SEC.GOV>
Sent: Monday, February 26, 2007 2:21 PM (GMT)
To: Friestad, Scott <FriestadS@SEC.GOV>; Thomsen, Linda <ThomsenL@SEC.GOV>
Subject: RE: Mark Cuban

Now I feel fully informed. The picture with the money is particularly helpful and certainly speaks a 1,000 words (if not more).

From: Friestad, Scott
Sent: Monday, February 26, 2007 8:52 AM
To: Thomsen, Linda; McKown, Joan
Subject: Mark Cuban

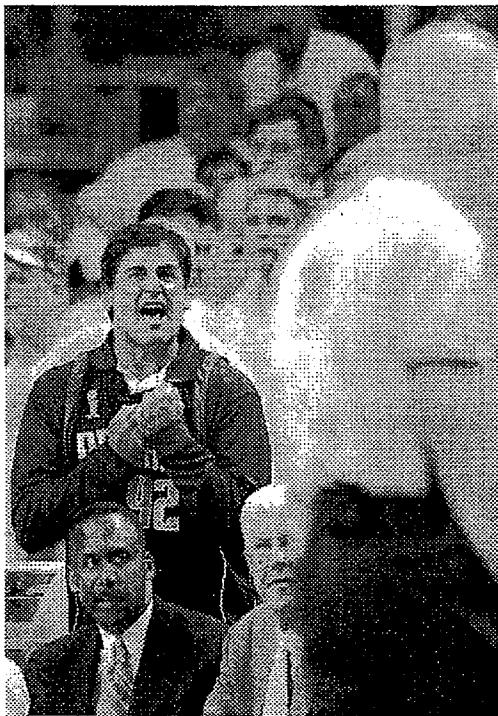


SEC-MC0302502



IN 1999 I SET A RECORD FOR
THE BIGGEST ONLINE PURCHASE
A GULFSTREAM ONE OF THES

SEC-MC0302503



SEC-MC0302504